



**THE**

# **JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 128] Srinagar, Thu., the 10th Sept., 2015/19th Bhad., 1937. [No. 24

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Printed at the Government Press, Srinagar.

## **PART I-A**

### **Jammu & Kashmir Government—Orders**

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HIGH COURT OF JAMMU AND KASHMIR AT SRINAGAR.

Notification

No. 207 Dated 29-05-2015.

It is hereby notified that vide High Court Order dated 19-05-2015 Ms. Shivalika Bakshi D/o Shri Lokesh Sharma R/o 255/A, Gandhi Nagar, Jammu has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. Her name has been entered under Serial No. JK-216/2015 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

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Notification

No. 208 Dated 29-05-2015.

It is hereby notified that vide High Court Order dated 19-05-2015 Mr. Sarfaraz Ahmad S/o Shri Mohd Shareef R/o V. P. O Dhar Sakri, Tehsil Kotranka, District Rajouri has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-247/2015 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

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Notification

No. 209 Dated 29-05-2015.

It is hereby notified that vide High Court Order dated 19-05-2015 Mr. Sankalp Gupta S/o Shri Subash Malguria R/o Village Rappri, Tehsil Billawar, District Kathua has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-223/2015 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

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Notification

No. 210 Dated 29-05-2015.

It is hereby notified that vide High Court Order dated 19-05-2015 Syed Shafqat Ali S/o Syed Manzoor Ahmed R/o Near Agriculture Complex, Doda City has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. Her name has been entered under Serial No. JK-239/15 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

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Notification

No. 211 Dated 29-05-2015.

It is hereby notified that vide High Court Order dated 19-05-2015 Ms. Meenakshi Sharma D/o Shri Satish Kumar Sharma R/o Near Gouri Shanker Mandir, Sarkoot, Kishtwar has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. Her name has been entered under Serial No. JK-233/15 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

(Sd.) G. M. PARRAY,

Joint Registrar (Adm.).



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Separate paging is given to this part in order that it may be filed as a  
separate compilation.

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**PART I—B**

**Jammu and Kashmir Government—Notifications.**

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JAMMU AND KASHMIR PUBLIC SERVICE COMMISSION,  
SOLINA, SRINAGAR/KASHMIR.

Subject :—J&K Combined Competitive (Preliminary) Examination, 2014.

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Notice

Dated 03-08-2015.

It is for the information of all eligible candidates who have applied for the posts under Combined Competitive Examination, 2014 in response to Notification No. PSC/Exam/2014/36 dated 24-04-2014 that the Preliminary

Examination which was postponed earlier shall now be held on 30-08-2015 (Sunday) in two sessions.

The candidates who have earlier not received/downloaded their Admit Cards are advised to download their Admit Cards from the official website of the Commission i. e. <http://www.jkpsc.nic.in> from 05-08-2015 onwards.

Day and Date	Subject	Time
30-08-2015 (Sunday)	Paper I (General Studies) Paper II (Optional Subject)	10.00 AM to 12.00 Noon 02.00 PM to 04.00 PM

**Note :—** No application for change of centre shall be entertained henceforth.

(Sd.) SHAKEEL-UL-REHMAN, KAS,

Secretary and Controller of Examinations,  
J&K Public Service Commission.

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Notification No. PSC/EXAM/2015/07

Dated 07-08-2015.

The result of SAC Part-I, Departmental Examination, Session July, 2014 is declared as under :—

Roll No.	Name of the candidate	Parentage	PI	PII	PIII	PIV	Remarks
	1	2	3	4	5	6	7
	S/Shri	S/Shri					8
01.	Namesha Dogra	Jagjiwan Lal	<u>40</u> Passed in 01/2014	103	<u>64</u> Passed in 01/2014	38	Passes.
02.	Nisha Bagul	Babu Ram Bagul	62	68	73	<u>43</u> Passed in 01/2014	Passes in Papers I & III. Fail in Paper II.
03.	Om Prakash	Late Paras Ram	49	76	67	28	Passes with 9 grace marks in Paper IV.

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1	2	3	4	5	6	7	8
04.	Ajay Kumar	Ram Lal Sharma	<u>37</u> Passed in 01/2014	104	107	<u>51</u> Passed in 01/2014	Passes.
05.	Raman Gupta	Ram Parkash Gupta	44	66	102	<u>45</u> Passed in 01/2014	Passes in Papers I & III. Fail in Paper II.
06.	Khem Raj	Lt. Prabh Dayal	44	<u>82</u> Passed in 07/2013	66	<u>46</u> Passed in 01/2014	Passes.
07.	Anita Sharma	Late Bansilal Sharma	44	8	67	B. Com.	Passes in Paper I & III. Fail in Paper II.
08.	Ghulam Mohd Wani	Abdul Rashid Wani	<u>40</u> Passed in 01/2014	60	60	<u>48</u> Passed in 01/2014	Fail in Papers II. Pass in Paper III.



09.	Khail Raj	Gokal Chand	36	62	62	37	Fails in Papers I & II. Passes in Papers III & IV.
10.	Parkash Singh	Baldev Singh	46	67	98	33	Passes in Papers I & III. Fails in Papers II & IV.
11.	Sajad Hussain	Shamash Din Rather	52	<u>84</u> Passed in 01/2014	105	41	Passes.
12.	Jugal Singh	Kashmir Singh	49	<u>96</u> Passed in 01/2014	<u>113</u> Passed in 01/2014	<u>38</u> Passed in 01/2014	Passes.
13.	Ramnesh Sharma	Ganesh Dass Sharma	35	102	<u>65</u> Passed in 01/2014	<u>52</u> Passed in 01/2014	Passes with 2 grace marks in Paper I.
14.	Tilak Raj	Late Parma Nand	<u>40</u> Passed in 03/2007	<u>87</u> Passed in 07/2012	71	<u>40</u> Passed in 06/2010	Passes.

1	2	3	4	5	6	7	8
15.	Sachin Sharma	Kewal Krishan	49	<u>122</u> Passed in 01/2014	<u>65</u> Passed in 01/2014	<u>62</u> Passed in 01/2014	Passes.
16.	Vikas Mahajan	Jagdish Raj Mahajan	<u>37</u> Passed in 01/2014	84	95	<u>55</u> Passed in 01/2014	Passes.
17.	Poonam Gupta	Vijay Kumar Gupta	43	43	102	33	Passes in Papers I & III. Fails in Papers II & IV.
18.	Ritesh Gupta	Raj Kumar Gupta	<u>48</u> Passed in 01/2014	<u>77</u> Passed in 01/2014	79	<u>26</u>	Pass in Paper III. Fail in Paper IV.
19.	Sanjay Singh Bali	Karan Singh Bali	<u>41</u> Passed in 01/2014	66	92	<u>24</u>	Fails in Papers II & IV. Pass in Paper III.

20.	Vijay Kumar	Prem Nath	49	<u>92</u> Passed in 01/2014	90	<u>48</u> Passed in 01/2014	Passes.
21.	Ashok Kumar	Ram Nath Sharma	<u>38</u> Passed in 02/2009	19	49	B. Com.	Fails in Papers II & III.
22.	Vijay Bharat	Ramesh Chander	50	<u>99</u> Passed in 01/2014	<u>78</u> Passed in 01/2014	<u>48</u> Passed in 01/2014	Passes.
23.	Rakesh Kumar Digra	Babu Ram Digra	<u>42</u> Passed in 01/2014	<u>83</u> Passed in 01/2014	107	<u>42</u> Passed in 01/2014	Passes.
24.	Janak Raj	Guran Ditta	38	18	62	<u>40</u> Passed in 02/2011	Passes in Papers I & III. Fail in Paper II.

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1	2	3	4	5	6	7	8
25.	Priti	Ram Krishan	54	54	81	<u>56</u> Passed in 01/2014	Passes in Papers I & III. Fail in Paper II.
26.	Balwan Singh	Lt. Shanga Ram	<u>52</u> Passed in 07/2012	20	49	B. Com.	Fails in Papers II & III.
27.	Jai Gopal	Om Parkash Sharma	41	<u>76</u> Passed in 01/2014	<u>64</u> Passed in 01/2014	<u>53</u> Passed in 01/2014	Passes.
28.	Gulzar Hussain	Sulah Muhammed	47	<u>87</u> Passed in 01/2013	77	<u>40</u> Passed in 01/2013	Passes.
29.	Ajay Kumar	Nitya Nand	<u>39</u> Passed in 01/2014	81	104	<u>52</u> Passed in 01/2014	Passes.

30.	Rakesh Kumar	Bashi Ram	37	<u>95</u> Passed in 01/2014	79	<u>56</u> Passed in 01/2014	Passes.
31.	Pooja Ambarain	Karan Singh Ambarain	48	68	<u>75</u> Passed in 01/2014	B. Com.	Pass in Paper I. Fail in Paper II.
32.	Amit Sharma	Ishwar Chander	54	<u>85</u> Passed in 01/2014	78	<u>48</u> Passed in 01/2014	Passes.
33.	Neeraj Sharma	Rattan Lal	48	80	90	<u>50</u> Passed in 01/2014	Passes.
34.	Ganesh Raj Bangotra	Late Phoga Ram	<u>40</u> Passed in 02/2009	<u>82</u> Passed in 07/2012	71	22	Pass in Paper III. Fail in Paper IV.

1	2	3	4	5	6	7	8
35.	Yash Paul	Sansar Chand	43	15	57	30	Passes in Papers I & III. Fails in Papers II & IV.
36.	Alka Arora	Kewal Krishan Arora	52	<u>88</u> Passed in 01/2014	<u>60</u> Passed in 01/2014	48	Passes.
37.	Monika Bhagat	Bharat Bhushan	41	60	75	<u>58</u> Passed in 01/2014	Passes in Papers I & III. Fail in Paper II.
38.	Safina Javeed	Syed Javeed Gilani	<u>48</u> Passed in 01/2014	82	<u>58</u> Passed in 01/2014	33	Passes with 4 grace marks in Paper IV.
39.	Adarsh Kumar Sharma	Late Hazari Lal Sharma	<u>40</u> Passed in 07/2013	62	60	B. Com.	Fail in Paper II. Pass in Paper III.

40.	Kulwant Singh Sambyal	Suraj Singh Sambyal	40	34	47	B. Com.	Pass in Paper I. Fails in Papers II & III.
41	Mohd Ziaur Rehman	Mohd Sharief	<u>56</u> Passed in 01/2014	38	70	18	Fails in Papers II & IV. Pass in Paper III.
42.	Shama Gupta	Mohan Lal Gupta	<u>48</u> Passed in 01/2014	97 Passed in 01/2014	<u>70</u>	61 Passed in 01/2014	Pass in Paper III.
43.	Vinod Kumar	Kundan Lal Bhagat	47	40	62	<u>42</u> Passed in 01/2014	Passes in Papers I. & III. Fail in Paper II.
44.	Jagjeet Singh	Inder Singh	A	A	A	<u>48</u> Passed in 01/2014	Absent in Papers I, II & III.

1	2	3	4	5	6	7	8
45.	Sheraz Ahmed	Ghulam Nabi Sheikh	51	77	<u>63</u> Passed in 01/2014	<u>46</u> Passed in 01/2014	Passes.
46.	Ghulam Sarwar	Nissar Hussain	<u>39</u> Passed in 07/2013	12	<u>62</u> Passed in 02/2009	12	Fails in Papers II & IV.
47.	Shiv Ram	Late Nasib Chand	<u>40</u> Passed in 07/2012	<u>80</u> Passed in 07/2012	80	<u>40</u> Passed in 06/2010	Passes.
48.	Rohit Syal	Suresh Syal	<u>37</u> Passed in 01/2014	50	74	31	Fail in Papers II & IV. Pass in Paper III.



49.	Anshu Gupta	Ganesh Dass Gupta	66	<u>131</u> Passed in 01/2014	<u>66</u> Passed in 01/2014	<u>72</u> Passed in 01/2014	Passes.
50.	Naresh Kumar	Kaka Ram	47	60	89	<u>37</u> Passed in 01/2014	Passes in Papers I & III. Fail in Paper II.
51.	Sandeep Bakshi	Shadi Lal Bakshi	50	34	70	<u>55</u> Passed in 01/2014	Passes in Papers I & III. Fail in Paper II.
52.	Javid Iqbal	Mohd Amin	49	17	66	8	Passes in Papers I & III. Fails in Papers II & IV.
53.	Abdul Hamid	Mohd Hussain	40	<u>83</u> Passed in 07/2013	63	<u>38</u> Passed in 06/2010	Passes.

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1	2	3	4	5	6	7	8
54.	Muniver Hussain	Wazir Mohd	37	<u>78</u> Passed in 01/2014	<u>56</u> Passed in 07/2013	17	Pass in Paper I. Fail in Paper IV.
55.	Pradeep Kumar Regu	Triloki Nath Regu	<u>41</u> Passed in 01/2014	A	A	B. Com.	Absent in Papers II & III.
56.	Fayaz Ahmad Shan	Mohd Ramzan Shan	41	<u>132</u> Passed in 01/2014	<u>82</u> Passed in 01/2014	38	Passes.
57.	Sayar Ahmad Mir	Mohd Akber Mir	44	53	79	35	Passes in Papers I & III. Fails in Papers II & IV.
58.	Taneema	Mohammad Afzal Wani	66	97	68	53	Passes.

59.	Shahnawaz Umer Khan	Mohd Shafi Khan	48	53	63	37	Passes in Papers I III & IV. Fail in Paper II.
60.	Pervaize Ahmad Shiekh	Gulam Mohmad Shiekh	60	79	82	39	Passes.
61.	Imteyaz Ahmad	Mohmad Shafi Ganayee	61	76	60	41	Passes.
62.	Abdul Raqib Bhat	Abdul Hai Bhat	61	37	72	30	Passes in Papers I & III. Fails in Papers II & IV.
63.	Nadia Khanday	G. A. Khanday	62	89	55	39	Passes.
64.	Zubair Sultan	Mohd Sultan	51	68	67	38	Passes with 6 grace mark in Paper II.
65.	Karan Singh	Late Om Parkash	50	<u>76</u> Passed	<u>57</u> Passed in 01/2014	33  in 01/2014	Passes with 4 grace marks in Paper IV.

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1	2	3	4	5	6	7	8
66.	Nazir Hussain	Nissar Hussain	<u>60</u> Passed in 01/2014	26	85	12	Fails in Papers II & IV. Passes in Paper III.
67.	Dar Farooq Ahmad	Ab. Salam Dar	<u>37</u> Passed in 01/2014	123	<u>66</u> Passed in 01/2014	47	Passes.
68.	Stanzin Khewang	Tsering Paljor	<u>41</u> Passed in 01/2014	88	<u>68</u> passed in 01/2014	<u>56</u> Passed in 01/2014	Passes.
69.	Deepshikha Pandita	Piaray Lal Pandita	56	96	<u>113</u> Passed in 01/2014	<u>76</u> Passed in 01/2014	Passes.

70.	Javeed Ahmad Dar	Mohd Yousuf Dar	<u>40</u> Passed in 07/2013	27	<u>68</u> passed in 07/2013	<u>48</u> Passed in 01/2013	Fail in Paper II.
71.	Archana Bhat	S. K. Bhat	<u>44</u> Passed in 01/2014	<u>82</u> passed in 01/2014	77	<u>38</u> Passed in 01/2014	Passes.
72.	Mukhtar Hussain	Abdul Hussain	39	33	55	23	Passes in Papers I & III. Fails in Papers II & IV.
73.	Noor Mohd Baba	Gh. Qadir Baba	<u>48</u> Passed in 07/2012	<u>86</u> passed in 07/2012	72	<u>40</u> Passed in 07/2012	Passes.
74.	Sonam Stobgyal	Nawang Tsering	49	39	<u>57</u> Passed in 01/2014	B. Com.	Pass in Paper I. Fail in Paper II.

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1	2	3	4	5	6	7	8
75.	Vikas Pandita	Shamboo Nath Pandita	<u>39</u> Passed in 01/2014	75	56	<u>48</u> Passed in 01/2014	Passes.
76.	Vinu Koul	Autar Krishan Koul	40	<u>126</u> passed in 01/2014	95	<u>54</u> Passed in 01/2014	Passes.
77.	Fayaz Ahmad Raina	Abdul Kabir Raina	A	A	A	A	Absent.
78.	Ashwani Raina	Triloki Nath Raina	37	<u>90</u> passed in 01/2014	87	<u>38</u> Passed in 01/2014	Passes.
79.	Anil Bambroo	Kanya Lal Bambroo	<u>39</u> Passed in 01/2014	<u>82</u> Passed in 01/2014	81	37	Passes.

80.	Mohd Syed Vaid	Gull Mohd Vaid	A	A	A	A	Absent.
81.	Krishan Kumar	Jeet Kumar	<u>44</u> Passed in 01/2014	<u>110</u> Passed in 01/2014	74	B. Com.	Passes.
82.	Prince Kumar	Krishan Lal Bhat					Later on.
83.	Meenakshi Dhar	Moti Lal Dhar	50	71	96	B. Com.	Pass with 3 grace marks in Paper II.
84.	Archana Pandita	Roop Krishan Pandita	<u>43</u> Passed in 01/2014	<u>74</u> Passed in 01/2014	94	<u>45</u> Passed in 01/2014	Passes.
85.	Tasleema Akhter	Bashir Ahmad Rather	<u>41</u> Passed in 10/1999	<u>88</u> passed in 10/1999	48	<u>41</u> Passed in 01/2005	Fail in Paper III.

1	2	3	4	5	6	7	8
86.	Amjad Hassan Dar	Gh. Hassan Dar	39	<u>134</u> Passed in 01/2014	42	<u>42</u> Passed in 01/2014	Pass in Paper I. Fail in Paper III.
87.	Sameer Sultan	Mohammad Sultan Sofi	<u>39</u> Passed in 07/2013	<u>108</u> Passed in 07/2013	66	B. Com.	Passes.
88.	Indu Raina	Late Omkar Nath Raina	55	23	71	31	Passes in Papers I & III. Fails in Papers II & IV.
89.	Iqbal Yousuf Khan	Iqbal Yousuf Khan	<u>37</u> Passed in 01/2014	<u>75</u> passed in 01/2014	59	<u>41</u> Passed in 01/2014	Passes.
90.	Ashish Bhat	Amar Nath Bhat	52	<u>88</u> Passed in 01/2014	84	<u>47</u> Passed in 01/2014	Passes.



91.	Sunil Kumar Pandita	Bansi Lal Pandita	<u>43</u> Passed in 01/2014	73	69	<u>39</u> Passed in 01/2014	Passes with 1 grace marks in Paper II.
92.	Sudesh Kumar Bhat	Jai Krishan Bhat	53	<u>75</u> Passed in 01/2014	63	<u>60</u> Passed in 01/2014	Passes.
93.	Mushtaq Ali Rather	Ali Mohammad Rather	51	<u>87</u> Passed in 01/2014	102	<u>66</u> Passed in 01/2014	Passes.
94.	Iftikhar Hussain	Mohd Hussain	46	<u>102</u> Passed in 01/2014	<u>72</u> Passed in 01/2014	<u>62</u> Passed in 01/2014	Passes.
95.	Zakir Hussain	Mohd Abdullah	46	<u>108</u> Passed in 01/2014	<u>88</u> Passed in 01/2014	<u>53</u> Passed in 01/2014	Passes.

1	2	3	4	5	6	7	8
96.	Mohd Hassan	Mohd Sultan	<u>37</u> Passed in 01/2014	70	75	<u>44</u> Passed in 01/2014	Passes with 4 grace marks in Paper II.
97.	Gulzar Ahmad Wani	Abdul Majid Wani	48	<u>80</u> Passed in 01/2014	54	<u>56</u> Passed in 01/2014	Passes with 1 grace marks in Paper III.
98.	Imtiyaz Ahmad Naikoo	Mohd Maqbool Naikoo	49	44	76	<u>59</u> Passed in 01/2014	Passes in Papers I & III. Fail in Paper II.
99.	Mohd Maqbool Yatoo	Ab. Ahad Yatoo	<u>42</u> Passed in 07/2013	49	<u>70</u> Passed in 07/2013	30	Fail in Papers II & IV.

100.	Vicky Bhat	Moti Lal Bhat	<u>38</u> Passed in 01/2014	34	53	<u>54</u> Passed in 01/2014	Fail in Papers II & III.
101.	Tsering Dolkar	Tsering Angchok	47	<u>79</u> Passed in 01/2014	<u>66</u> Passed in 01/2014	46	Passes.
102.	Lobzang Chorol	Rigzen Namgyal	49	<u>79</u> Passed in 01/2014	<u>68</u> Passed in 01/2014	<u>44</u> Passed in 01/2014	Passes.
103.	Palzes Wangmo	Tsering Dorjey	50	74	83	<u>42</u> Passed in 01/2014	Passes.
104.	Mudasir Nabi Khan	Gh. Nabi Khan	45	47	52	18	Pass in Paper I. Fails in Papers II, III & IV.

1	2	3	4	5	6	7	8
105.	Sonia Bhat	Onkar Nath Bhat	50	<u>99</u> Passed in 01/2014	72	<u>38</u> Passed in 01/2014	Passes.
106.	Rajander Singh	Attar Singh	52	84	<u>84</u> Passed in 01/2014	<u>44</u> Passed in 01/2014	Passes.
107.	Vijay Pandit	Arjan Nath Pandit	51	38	50	B. Com.	Pass in Paper I. Fails in Papers II & III.
108.	Stanzin Palzes Angmo	Sonam Tashi	46	81	60	37	Passes.
109.	Meenakshi Bharti	Bharat Bushan Bhat	<u>40</u> Passed in 01/2014	<u>88</u> Passed in 01/2014	53	39	Passes with 2 grace marks in Paper III.

110.	Issa Khan	Mussa Khan	52	70	66	27	Passes in Papers I & III. Fails in Papers II & IV.
111.	Peerzada Shafiq Ahmad	Peer Gh. Nabi	<u>38</u> Passed in 07/2013	23	75	13	Fails in Papers II & IV. Pass in Paper III.
112.	Inderjeet Singh Rattan	Late Brahm Singh Rattan	46	22	59	25	Passes in Papers I & III. Fails in Papers II & IV.
113.	Imtiyaz Ahmad Lone	Ghulam Mohd Lone	A	A	A	A	Absent.
114.	Farooq Ahmad Reshi	Mohmmad Shaban Reshi					Later on.
115.	Shabir Ahmad Zagoo	Gh. Nabi Zagoo	49	24	49	19	Pass in Paper I. Fails in Papers II, III & IV.

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1	2	3	4	5	6	7	8
116.	Daleep Kumar	Roshan Lal	60	A	A	16	Pass in Paper I. Fail in Paper IV. Absent in Papers II & III.
117.	Viqar Younus Batt	Ghulam Rasool Batt	A	A	A	A	Absent.
118.	Anand Thakur Sen	Subhash Chander Sen	49	73	54	38	Passes in Papers I & IV. Fails in Papers II & III.
119.	Mohammad Abdul Basit Rizvi	Mohammad Aslam	50	72	53	31	Pass in Paper I. Fails in Papers II, III & IV.
120.	Rohini Angral	Dev Raj	60	66	74	45	Passes with 8 grace marks in Paper II.

121.	Monika Lahotra	Sunil Kumar	58	A	64	22	Passes in Papers I & III. Fail in Paper IV. Absent in Paper II.
122.	Rahul Mahajan	Arun Kumar	50	105	90	65	Passes.
123.	Ruchit Kumar	Ravinder Kumar	48	92	35	34	Passes in Papers I & II. Fails in Papers III & IV.
124.	Isha Jerath	Girish Jerath	63	79	96	54	Passes.
125.	Nishu	Ashok Kumar Kapahi	56	111	94	56	Passes.
126.	Ajay Kumar Pandit Raina	Kashi Nath Raina	49	82	A	46	Passes in Papers I II & IV. Absent in Paper III.
127.	Ajaz Hussain	Mohd Hussain	53	111	83	48	Passes.

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1	2	3	4	5	6	7	8
128.	Tabraiz Sadiq	Sadiq Hussain Shapoo	54	88	<u>72</u> Passed in 01/2014	<u>51</u> Passed in 01/2014	Passes.
129.	Gopal Kumar	Krishan Kumar	48	55	57	25	Passes in Papers I & III. Fails in Papers II & IV.
130.	Mohd Ashak	Lal Din	37	13	53	28	Pass in Paper I. Fails in Papers II, III & IV.
131.	Mohd Umran	Mohd Ramzan	A	A	A	A	Absent.
132.	Mohd Yasir Mir	Abdul Kabir Mir	43	05	40	A	Pass in Paper I. Fails in Papers II, & III . Absent in Paper IV.
133.	Dilbagh Singh	Harbhajan Singh	31	A	53	12	Fails in Papers I, III & IV. Absent in Paper II.



134.	Mohd Zafeer	Faiz Mohd	49	11	60	13	Passes in Papers I & III. Fails in Papers II & IV.
135.	Yudhbir Singh	Nasib Singh	47	35	73	13	Passes in Papers I & III. Fails in Papers II & IV.
136.	Meenakshi	Rattan Lal	44	15	39	6	Pass in Paper I. Fails in Papers II III & IV.
137.	Monika Dogra	Tara Nath	33	14	16	15	Fails.
138.	Mehboob Chowdhary	Hasham Ali	51	15	56	15	Passes in Papers I & III. Fails in Papers II & IV.
139.	Rakhi Gupta	Daulat Ram	50	69	60	31	Passes in Papers I & III. Fails in Papers II & IV.
140.	Jameel Ahmed	Lal Din	46	8	58	25	Passes in Papers I & III. Fails in Papers II & IV.

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1	2	3	4	5	6	7	8
141.	Vandana	Prem Sharma	54	8	10	18	Pass in Paper I. Fails in Papers II, III & IV.
142.	Jigmat Lotos	Tsering Stobdan	41	43	61	22	Passes in Papers I & III. Fails in Papers II & IV.
143.	Dechen Angmo	Dawa Nurbu	60	76	62	37	Passes.
144.	Tsering Motup	Tsewang Norboo	52	48	75	29	Passes in Papers I & III. Fails in Papers II & IV.
145.	Mohd Aslam	Mohd Din	37	25	63	19	Passes in Papers I & III. Fails in Papers II & IV.
146.	Tsering Angmo	Tesring Dorjay	51	101	75	39	Passes.

147.	Tashi Norbu	Paldan Gyatso	48	73	78	32	Passes in Papers I & III. Fails in Papers II & IV.
148.	Tsewang Chosgain	Tsering Norboo					Later on.
149.	Hameeda Bano	Mohd Ramzan Ali	47	10	44	26	Pass in Paper I. Fails in Papers II III & IV.
150.	Stanzin Youtok	Konchok Rigzin	46	41	71	24	Passes in Papers I & III. Fails in Papers II & IV.
151.	Yangchan Dolma	Tsering Angchok	44	110	74	37	Passes.
152.	Stanzin Dolma	Sonam Angchuk	56	84	90	35	Passes with 2 grace marks in Paper IV.

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1	2	3	4	5	6	7	8
153.	Jigmat Yangzom	Sonam Dorjai	54	80	71	33	Passes with 4 grace marks in Paper IV.
154.	Tenzin Choedak	Tsering Namgyal					Later on.
155.	Shakeela	Late Gh. Rasool Bhat	37	51	26	17	Pass in Paper I. Fails in Paper II, III & IV.
156.	Tsering Dolma	Tsewang Rigzin	54	72	65	37	Passes with 2 grace marks in Paper II.
157.	Sajjad Hussain	Ghulam Abass	47	52	82	37	Passes in Papers I, III & IV. Fail in Paper II.
158.	Rashmi Sadhu	Tej Krishan Sadhu	58	100	82	28	Passes with 9 grace marks in Paper IV.

159.	Tsewang Gyaltsan	Tsering Norboo	45	26	65	16	Passes in Papers I, & III. Fails in Papers II & IV.
160.	Mohd Hussain	Ghulam Mohd	46	104	73	37	Passes.
161.	Tsewang Gyaltsan	Sonam Motup	49	54	72	23	Passes in Papers I, & III. Fails in Papers II & IV.
162.	Hakim Banoo	Mohd Hassan	50	27	39	38	Passes in Papers I, & IV. Fails in Papers II & III.
163.	Mohd Murtaza	Hussain Ali					Later on.
164.	Jigmet Angmo	Tsering Motup	52	72	71	21	Passes in Papers I & III. Fails in Papers II & IV.
165.	Tsering Angmo	Tsewang Dorjay	50	69	96	B. Com.	Passes with 5 grace marks in Paper II.

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1	2	3	4	5	6	7	8
166.	Javed Miadad	Ali Hussain	50	54	74	35	Passes in Papers I & III. Fails in Papers II & IV.
167.	Rigzin Tamchos	Chemat Tonyoth	50	90	75	32	Passes with 5 grace marks in Paper IV.
168.	Mohd Salim	Mohd Yassin	51	08	64	20	Passes in Papers I & III. Fails in Papers II & IV.
169.	Tsewang Gurmet	Tsering Angchok	52	73	100	B. Com.	Passes with 1 grace marks in Paper II.
170.	Mukhtar Hussain	Mohd Ibrahim	49	54	91	28	Passes in Papers I & III. Fails in Papers II & IV.

171.	Stanzin Yangchan	Tsering Tundup	51	53	51	34	Pass in Paper I. Fails in Papers II, III & IV.
172.	Mansoor Ali	Mohd Mohsin	A	A	A	A	Absent.
173.	Pawan Ji Koul	Brij Nath Koul	46	39	48	31	Pass in Paper I. Fails in Papers II, III & IV.
174.	Abdul Majid Mujahid	Manzoor Ahmad Qureshi	48	102	71	34	Passes with 3 grace marks in Paper IV.
175.	Nazir Ahmad Pall	Late Ghulam Nabi Pall	31	10	68	15	Fails in Papers I. II & IV. Pass in Paper III.
176.	Ravinder Bhat	Late Roshan Lal Bhat	51	27	85	29	Passes in Paper I & III. Fails in Papers II & IV.
177.	Abdul Rahman Mir	Ghulam Mohmad Mir					Later on.

1	2	3	4	5	6	7	8
178.	Prity Raina	R. N. Raina	51	34	57	M. Com.	Passes in Papers I & III. Fail in Paper II.
179.	Simy Kumari	Bhushan Lal Raina					Later on.
180.	Sunina Koul	Girdhari Lal Koul	53	41	57	20	Passes in Papers I & III. Fails in Papers II & IV.
181.	Abdullah Jan Mir	Abdul Wahid Mir	44	12	42	32	Pass in Paper I. Fails in Papers II, III & IV.
182.	Mohd Mukhtar	Akhone Gh. Mehdi	41	39	23	27	Pass in Paper I. Fails in Papers II, III & IV.
183.	Firdoss Ahmad	Mohd Hussain Mir					Later on.



184.	Mohd Sajad	Haji Hussain	46	10	50	10	Pass in Paper I. Fails in Papers II, III & IV.
185.	Akbar Ali	Mohd Abdullah	51	37	56	26	Passes in Papers I & III. Fails in Papers II & IV.
186.	Gh. Ali	Mohd Javeed	51	80	73	34	Passes with 3 grace marks in Paper IV.
187.	Manzoor-ul- Hassan	Gh. Hassan Dar	41	9	51	20	Pass in Paper I. Fails in Papers II, III & IV.
188.	Liyaqat Ali	Mohd Issa	49	45	73	18	Passes in Papers I & III. Fails in Papers II & IV.
189.	Mohd Yosouf Mir	Gh. Hassan Mir					Later on.

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1	2	3	4	5	6	7	8
190.	Rigzin Chondol	Tsering Motup	45	56	95	41	Passes in Papers I, III & IV. Fail in Paper II .
191.	Diskit Angmo	Tsering Angchok	54	78	78	37	Passes.
192.	Sonam Chorol	Tsewang Norboo	46	11	75	23	Passes in Papers I & III. Fails in Papers II & IV.
193.	Tahira Khanam	Mohd Ali	51	29	76	42	Passes in Papers I, III & IV. Fail in Paper II.
194.	Suhail Mushtaq	Mushtaq Ahmad Mir	<u>43</u> Passed in 01/2014	55	56	<u>78</u> Passed in 01/2014	Fail in Paper II. Passes in Paper III.

195.	Abdul Quyoom	Haji Abdul	45	23	29	A	Pass in Paper I. Fail in Papers II & III. Absent in Paper IV.
196.	Vilap Koul	Kashi Nath Koul	43	7	69	26	Passes in Papers I & III. Fails in Papers II & IV.
197.	Yash Paul	Krishan Lal	52	48	51	26	Pass in Paper I. Fails in Papers II, III & IV.
198.	Mohd Syeed Shah	Gh. Hassan Shah					Later on.
199.	Pooja Magotra	Vijay Kumar	A	A	A	A	Absent.
200.	Sheikh Showket Ahmed	Sheikh Abdul Rehman	A	35	52	B. Com.	Fails in Papers II & III. Absent in Paper I.

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1	2	3	4	5	6	7	8
201.	Humma Khurshid	Mehmoob Ali Malik	<u>37</u> Passed in 01/2014	48	82	30	Fails in Paper II & IV. Pass in Paper III.
202.	Vijay Kumar Gupta	Krishan Kumar Gupta	51	56	70	15	Passes in Papers I & III. Fails in Papers II & IV.
203.	Koushal Parihar	Bansi Lal	45	0	35	A	Pass in Paper I. Fails in Papers II & III. Absent in Paper IV.
204.	Sunil Singh	Jagdish Singh Slathia	<u>41</u> Passed in 01/2014	<u>117</u> Passed in 01/2014	67	28	Pass in Paper III. Fail in Paper IV.

205.	Seema Bamba	Tilak Raj Bamba	<u>44</u> Passed in 01/2014	85	<u>59</u> Passed in 01/2014	48	Passes.
206.	Rajni Choudhary	Bachan Singh	54	<u>121</u> Passed in 01/2014	<u>66</u> Passed in 01/2014	<u>66</u> Passed in 01/2014	Passes.
207.	Som Lal	Sewa Ram	47	<u>97</u> Passed in 07/2012	<u>56</u> Passed in 07/2012	19	Pass in Paper I. Fail in Paper IV.
208.	Poonam Sambyal	Kamal Singh Sambyal	<u>37</u> Passed in 01/2014	70	61	<u>52</u> Passed in 01/2014	Passes with 4 grace marks in Paper II.

1	2	3	4	5	6	7	8
209.	Mushtaq Ahmed	Noor Din	46	72	78	<u>50</u> Passed in 01/2014	Passes with 2 grace marks in Paper II.
210.	Ashok Kumar Sharma	Bodh Raj Sharma	21	17	49	13	Fails.
211.	Shiveta Mantoo	Sohan Lal Mantoo	<u>62</u> Passed in 01/2014	84	88	B. Com.	Passes.
212.	Sandhya Dhar	Maharaj Krishan Dhar	28	07	64	B. Com.	Fails in Papers I & II. Pass in Paper III.
213.	Madan Parkash	Bhim Sain	48	37	57	B. Com.	Passes in Papers I & III. Fail in Paper II.

214.	Neelam Dogra	Hans Raj	<u>40</u> Passed in 01/2014	57	75	<u>52</u> Passed in 01/2014	Fail in Paper II. Pass in Paper III.
215.	Anil Kumar Gupta	Sat Bhushan Gupta	38	33	62	B. Com.	Passes in Papers I & III. Fail in Paper II.
216.	Skandya Devi	Janak Raj Saini	48	93	95	<u>60</u> Passed in 01/2014	Passes.
217.	Raghu Vir Singh	Balwant Singh	48	30	78	B. Com.	Passes in Papers I & III. Fail in Paper II.
218.	Sonika Sharma	Ashok Kumar	50	61	67	<u>54</u> Passed in 01/2014	Passes in Papers I & III. Fail in Paper II.

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1	2	3	4	5	6	7	8
219.	Naveen Chander	Krishan Lal	46	31	85	<u>47</u> Passed in 01/2014	Passes in Papers I & III. Fail in Paper II.
220.	Raijatinder Singh	Jai Singh	<u>40</u> Passed in 01/2014	<u>95</u> Passed in 01/2014	80	<u>66</u> Passed in 01/2014	Passes.
221.	Tasveer Ahmed	Wazir Hussain	47	55	76	<u>39</u> Passed in 01/2014	Passes in Papers I & III. Fail in Paper II.
222.	Bhawana Gupta	Raghubir Gupta	48	<u>110</u> Passed in 07/2013	85	28	Passes in Papers I & III. Fail in Paper IV.



223.	Rakesh Kumar	Gurdass Chand	32	68	67	<u>55</u> Passed in 01/2014	Fails in Papers I & II. Pass in Paper III.
224.	Rajni Sharma	Ram Kumar Sharma	48	94	<u>57</u> Passed in 01/2014	<u>44</u> Passed in 01/2014	Passes.
225.	Baldev Singh	Balwant Singh	41	05	45	05	Passes in Paper I. Fails in Papers II, III & IV.
226.	Ab. Rahim Rather	Naymatullah	<u>40</u> Passed in 10/1999	<u>77</u> Passed in 09/1995	57	<u>43</u> Passed in 04/2001	Passes.
227.	Vidhya Raina	Chaman Lal Raina	<u>45</u> Passed in 01/2014	22	76	19	Fails in Papers II & IV. Pass in Paper III.

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1	2	3	4	5	6	7	8
228.	Poonam Jamwal	Hakikat Singh	51	15	57	15	Passes in Papers I & III. Fails in Papers II & IV.
229.	Audil Altaf	Syed M. Altaf Andrabi	38	07	A	A	Pass in Paper I. Fail in Paper II. Absent in Papers III & IV.
226.	Banti Kumari	Moti Lal Bhat	<u>39</u> Passed in 07/2013	<u>108</u> Passed in 07/2013	71	<u>37</u> Passed in 07/2013	Passes.



**THE  
JAMMU & KASHMIR GOVERNMENT GAZETTE**

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Separate paging is given to this part in order that it may be filed as a  
separate compilation.

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**PART II—A**

**Orders by Heads of Departments.**

**CHARGE REPORTS**

In pursuance to Government Order No. 1117-GAD of 2015 dated 19-08-2015, issued under endorsement No. GAD(Ser)Genl/40/2008 dated 19-08-2015, I, G. A. Sofi hereby assume the charge of the Post of Director General, State Motor Garages Department today the 19th of August, 2015 afternoon.

(Sd.) G. A. SOFI,

Director General,  
State Motor Garages Department,  
J&K, Srinagar.

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Subject :—Assuming of charge as Director General, Fire and Emergency Services, J&K.

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In pursuance of Government Order No. 675-GAD of 2015 dated 18-05-2015, I hereby assume the charge as Director General, Fire and Emergency Services, J&K today on 21-05-2015 A. N.

(Sd.) ER. R. S. SODHI,

Director General,  
Fire and Emergency Services, J&K,  
Srinagar.



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**PART II—B**

**Notifications, Notices and Orders by the Heads of Departments.**

GOVERNMENT OF JAMMU AND KASHMIR,  
OFFICE OF THE DEPUTY COMMISSIONER, GANDERBAL,  
MINI SECRETARIAT, GANDERBAL.

Subject :—Acquisition of land for upgradation/widening of Beehama-Safapora Road in Estate Pahlipora, Tehsil Lar, District Ganderbal.

- Reference :—1. Executive Engineer, (R&B) Division, Ganderbal letter No. 2934-35 dated 20-05-2015.
2. Tehsildar, Lar Office letter No. 578/OQ/TL dated 29-03-2015.

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In exercise of the powers vested in me under section 4(1) of J&K Land Acquisition Act, Samvat 1990, I, Naseer Ahmad Wani, Collector, Land Acquisition (Assistant Commissioner, Revenue), Ganderbal do hereby notify the land particulars of which are given below for public purpose

namely widening of Beehama-Safapora Road in Estate Pahlipora, Tehsil Lar, District Ganderbal :—

District	Tehsil	Village	Survey Nos.	Area
Ganderbal	Lar	Pahlipora	420 Min	K. M. S. 00-00-05
			422 Min	00-12-00
			425	00-14-08
			427 Min	00-04-1½
			454	00-08-04
			429	00-04-2½
			Total	02-04-03

Having notified the land above, objections, if any, in terms of sections 5 & 5 (a) of the J&K Land Acquisition Act, Samvat 1990 shall be filed by the land owners/other interested persons before the undersigned within fifteen days from the publication of this notification in the Print Media. No objection shall be entertained after the stipulated time.

(Sd.) .....

Collector, Land Acquisition,  
Assistant Commissioner (Rev.),  
Ganderbal.

#### Notice

My mother's name has wrongly been written as Anita Chowdhary instead of Anita Choudhary in my school records studying in 10th Class under Roll No. 2. Now, I am applying for correction. Objection, if any, may be conveyed to Presentation Convent Senior Sec. School within 7 days.

Aastha Chowdhary,  
D/o Lt. Shri Anil Chowdhary,  
R/o 232/3, Sanjay Nagar,  
Opp. J&K Bank, Rani Talab, Digiana.



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### **ADVERTISEMENTS-C**

**POLICE HEADQUARTERS, J&K, SRINAGAR.**

e-NIT No. 21 of 2015

Dated 21-08-2015.

For and on behalf of the Governor of Jammu and Kashmir, e-Tenders in two cover system (Technical and Financial Bid) are hereby invited from original manufacturers/authorized dealers having specific authorization from their original manufacturer/s to quote against this tender (as per format provided in Appendix-1) for supply of uniform items as detailed in Annexure-A to this NIT (as indicated in the detailed SBD and BoQs). The download of NIT shall start on 21-08-2015 at 1300 hours. Tenders shall be submitted online on J&K State e-Procurement Portal [www.jktenders.gov.in](http://www.jktenders.gov.in) before 22-09-2015 up to 1600 hours. The samples shall be submitted at Police Central Store, Gandhi Nagar, Jammu and Police Central Store, Zewan, Srinagar before closing date of submission of e-Tender. Samples received after the prescribed date or time shall not be accepted.

The tenders (technical bids only) will be opened online on 24-09-2015 at 1100 hours at Police Headquarters, Peerbagh, Srinagar. In case of unforeseen circumstances, the date of opening will be next working day.

Detailed tender documents (SBD) with terms and conditions are available on J&K State e-Procurement Portal [www.jktenders.gov.in](http://www.jktenders.gov.in).

(Sd.) .....

AIG (Prov./Tpt.)  
For Director General of Police,  
J&K, Srinagar.

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POLICE HEADQUARTERS, J&K, SRINAGAR.

e-NIT No. 22 of 2015

Dated 21-08-2015.

For and on behalf of the Governor of Jammu and Kashmir, e-Tenders in two cover system (Technical and Financial Bid) are hereby invited from original manufacturers/authorized dealers having specific authorization from their original manufacturer/s to quote against this tender (as per format provided in Appendix-1) for supply of equipment items as detailed in Annexure-A to this NIT (as indicated in the detailed SBD and BoQs). The download of NIT shall start on 21-08-2015 at 1300 hours. Tenders shall be submitted online on J&K State e-Procurement Portal [www.jktenders.gov.in](http://www.jktenders.gov.in) before 22-09-2015 up to 1600 hours. The samples shall be submitted at Police Central Store, Gandhi Nagar, Jammu and Police Central Store, Zewan, Srinagar before closing date of submission of e-Tender. Samples received after the prescribed date or time shall not be accepted.

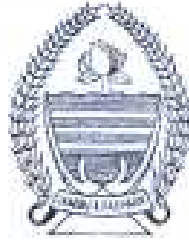
The tenders (technical bids only) will be opened online on 24-09-2015 at 1100 hours at Police Headquarters, Peerbagh, Srinagar. In case of unforeseen circumstances, the date of opening will be next working day.

Detailed tender documents (SBD) with terms and conditions are available on J&K State e-Procurement Portal [www.jktenders.gov.in](http://www.jktenders.gov.in).

(Sd.) .....

AIG (Prov./Tpt.)  
For Director General of Police,  
J&K, Srinagar.





رجسٹرڈ نمبر جے کے۔ 33

# جموں و کشمیر گورنمنٹ گزٹ

جلد نمبر 128 - سرینگر - مورخہ 10 ستمبر 2015ء بمطابق 19 محادہ 1937 - ویرہ - نمبر 24

## اشتہارات

از عدالت جوڈیشل مجسٹریٹ فارسٹ سرینگر

سرکار ہنام لیاقت احمد ریشی وغیرہ (2) کیس ملزمان

مثل نمبر 217/ب ، تاریخ دائرہ 30-10-2011

علت نمبر 121 سال 2009ء ، تھانہ پولیس کوٹھیہ باغ

بجرائم زیر دفعہ : RPC 380

## وارنٹ گشتی عام زیر دفعہ 512 ض ف

بمخلاف ملزم : لیاقت احمد ریشی ولد فاروق احمد ریشی ساکنہ شوپورہ سرینگر  
حکم بنام : اہلکاران پولیس ریاست جموں و کشمیر

معاملہ مندرجہ عنوان اُلصدر میں ملزم لیاقت احمد ریشی ولد  
فاروق احمد ریشی ساکنہ شوپورہ سرینگر مقدمہ زیر بحث میں عرصہ دراز  
سے غیر حاضر چلا آ رہا ہے اور اس نسبت تعقیل و SHO متعلقہ نے اظہار کیا  
کہ ملزم دیدہ دانستہ طور پر پوش ہوا ہے اور در دست دستیابی ناممکن ہے۔  
لہذا آپ کو بذریعہ وارنٹ ہذا حکم و اختیار ہے کہ آپ ملزم صدر  
جہاں کہیں بھی وہ اندر حد و ریاست جموں و کشمیر دستیاب ہو گرفتار کر کے  
عدالت ہذا میں پیش کریں۔ وارنٹ ہذا تا دم تعقیل جاری رہے گی۔

دستخط : جوڈیشل مجسٹریٹ فارسٹ سرینگر۔

از عدالت منصف جوڈیشل مجسٹریٹ درجہ اول اودھم پور

سرکار بنام تلک راج وغیرہ

مثل نمبر 99/چالان، تاریخ دائرہ 15-11-2010

علت نمبر 169 سال 2009ء، تھانہ پولیس اودھم پور

بجرائم زیر دفعات : 451/380/201/411 RPC

## وارنٹ گشتی عام زیر دفعہ 512 ضف

بمخلاف ملزم :

حکم بنام : جملہ اہلکاران ریاست جموں و کشمیر

معاملہ مندرجہ عنوان الصدر میں ملزم راکیش کمار عرف را کو ولد نیکرام قوم براہمن ساکنہ بیلان تالاب تحصیل و ضلع اودھم پور کے خلاف SHO صاحب نے چالان پیش کر کے استدعا کی ہے کہ ملزم بعد ارتکاب جرم روپوش ہو چکا ہے اور مذکورہ کی سر دست دستیابی کی کوئی امید نہ ہے۔ اس نسبت بیان تعمیل کنندہ و I/O قلمبند کیا گیا جس سے عدالت ہذا کو اطمینان ہوا ہے کہ ملزم بعد ارتکاب جرم روپوش ہو گیا ہے اور مذکورہ کی حسب معمول دستیابی عمل میں لائی جانی ناممکن ہے۔

لہذا جملہ اہلکاران پولیس ریاست جموں و کشمیر کو وارنٹ ہذا کی رو سے حکم و اختیار دیا جاتا ہے کہ ملزم مذکورہ جہاں کہیں بھی اندر حدود ریاست جموں و کشمیر میں دستیاب ہو تو مذکورہ گرفتار کر کے عدالت مجاز میں پیش کریں۔ وارنٹ ہذا دستیابی ملزم زیر کار رہے گا۔

وارنٹ ہذا آج مورخہ 26-05-2015 میرے دستخط و مہر عدالت سے جاری ہوا۔

تحریر الصدر

دستخط :- منصف جوڈیشل مجسٹریٹ درجہ اول اودھم پور۔

## از عدالت جوڈیشل مجسٹریٹ درجہ اول ہیرانگر

سرکار بنام شیر علی وغیرہ

مثل نمبر 234/چالان، تاریخ دائرہ 22-02-2011، بعنوان State V/s Sher Ali & ors

علت نمبر 120 سال 2010ء، تھانہ پولیس راج باغ

بجرائم زیر دفعات 188/295-A/ RPC/ 3PC Act

وارنٹ گشتی عام زیر دفعہ 512 ضف

بخلاف ملزمان: (1) Sher Ali S/o Nawab Din R/o Rangoora,

By Pass, Jammu (2) Anianat Ali S/o Shiha Mohd. R/o Rangoora, By Pass,

Jammu (3) Mushtaq Ahmad S/o Ab. Rashid R/o Phinder, R.S.Pura,

Jammu

حکم بنام: اہلکاران پولیس ریاست جموں و کشمیر

مقدمہ مندرجہ عنوان الصدر میں آپکو حکم دیا جاتا ہے کہ آپ ملزم کو اندر حدود

جموں و کشمیر جہاں کہیں بھی ملے کو گرفتار کر کے ملزم کو عدالت ہذا میں پیش کریں۔

تا دستیابی ملزم زیر کار رہے گا۔ تحریر 02-05-2015

دستخط:

منصف جوڈیشل مجسٹریٹ درجہ اول ہیرانگر۔

EXTRAORDINARY

REGD. NO. JK—33



**THE**  
**JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 128] Srinagar, Thu., the 30th July, 2015/8th Srav., 1937. [No. 18-b

Separate paging is given to this part in order that it may be filed as a  
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**PART I—B**

**Jammu and Kashmir Government—Notifications.**

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GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT—HOME DEPARTMENT

Notification

Srinagar, the 30th July, 2015.

SRO-244.—Whereas, Government vide Notification SRO-125 dated 21st April, 2014, appointed Additional District and Sessions Judge, Udhampur as an Arbitrator for a period of four months to make an award in respect of land measuring 1780 Kanals 09 Marlas comprising Khasra Numbers shown in Annexure “A” to this notification situated at Village Priyan, Gordi, Southan, Sutain and Thill of Tehsil and District Udhampur ; and

Whereas, the said Arbitrator has requested for further extension time enabling him to complete the proceedings and make the award ; and

Whereas, the Government has considered the matter and decided that further extension in time for making the award by the Arbitrator be granted.

Now, therefore, in exercise of powers conferred by sub-rule (1) of rule 10 of the Jammu and Kashmir Requisitioning and Acquisition of Immovable Property Rules, 1969, the Government hereby direct that the time for making the award shall and shall always be deemed to have extended by further period of one year w. e. f. 21st of August, 2014.

By order of the Government of Jammu and Kashmir.

(Sd.) R. K GOYAL, IAS,

Principal Secretary to Government.  
Home Department.



**THE  
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 128] Srinagar, Thu., the 30th July, 2015/8th Srav., 1937. [No. 18-c

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**PART I—B**

**Jammu and Kashmir Government—Notifications.**

GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT—REVENUE DEPARTMENT  
(Haj and Auqaf Section)

Notification

Srinagar, the 30th July, 2015.

SRO-245.—In exercise of the powers conferred by sub-section (1) of section 6 of the Jammu and Kashmir Wakafs Act, 2001 (Act No. III of 2001), the Government after consulting the Chairman Sub-Auqaf Committee, Trehgam, hereby publish the details of land measuring 16 Kanals comprising, Khasra Nos. 818 (01K–10M), 828 (04K–09M),

2      The J&K Govt. Gazette, 30th July, 2015/8th Srav., 1937. [No. 18-c

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831 (02K-11M), 853 (02K-08M) and 855 (01K), situated at Village Trehgam, Tehsil Sonawari, District Bandipora, partly used as Graveyard as Wakaf Property.

By order of the Government of Jammu and Kashmir.

(Sd.) MOHAMMAD AFZAL, IAS,

Secretary to Government.  
Revenue Department.

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*Annexure-II*

**Survey**

S. No.	District	Tehsil	Village	Khasra Nos.	Area	Nature of Property
					K. M. Sft.	
1.	Baramullah	Sonawari	Trehgam	818	01—10—00	Graveyard
2.	do.	do.	do.	828	04—09—00	Banjar-i-Qadeem
					04—02—00	Gair Mumkin
					08—11—00	
3.	do.	do.	do.	831	02—11—00	Graveyard
4.	do.	do.	do.	853	02—08—00	Banjar-i-Qadeem
5.	do.	do.	do.	855	01—00—00	do.
				Total	16—00—00	

(Sd.) .....

Special Officer, Auqaf,  
J&K, Srinagar.

فہرست جائیداد وقف واقع در موضع تریگام تحصیل سواتواری ضلع بارہ مولہ ریاست جموں و کشمیر

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
نمبر شمار	طریقہ	آمدنی سالانہ	آبادی سالانہ	قیمت جائیداد	غرض و مقاصد	تفصیل در حقان و غیرات	تصویرات	تصویرات	مربع ذ	مربع ذ	مربع ذ	نمبر شمار	مربع ذ	نمبر شمار
1	مربع	-	-	Rs. 1,50,000/-	مربع	-	-	تصویرات	-	10	1	818	مربع ذ	1
2	مربع	-	-	Rs. 8,50,000/-	آراضی	-	-	تصویرات	-	9	4	828	مربع ذ	2
3	مربع	-	-	Rs. 2,50,000/-	مربع	-	-	تصویرات	-	11	2	831	مربع ذ	3
4	مربع	-	-	Rs. 2,50,000/-	آراضی	-	-	تصویرات	-	8	2	853	مربع ذ	4
5	مربع	-	-	Rs. 1,00,000/-	-	-	-	تصویرات	-	0	1	855	مربع ذ	5
	-	-	-	Rs. 16,00,000/-	-	-	-	-	-	-	16	تعداد	مربع ذ	مربع ذ

دستخط پٹاری اور کاف سروے کنندہ  
دستخط گروہ دار اور کاف پڑتال کنندہ  
دستخط تحصیل آفیسر اور کاف تصدیق کنندہ

EXTRAORDINARY

REGD. NO. JK—33

**PART I—B**

**Jammu and Kashmir Government—Notifications.**

—————  
GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT—HOME DEPARTMENT

Notification

Srinagar, the 31st July, 2015.

SRO-246.—In exercise of the powers conferred by sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967 and in supersession of Notification SRO No. 375 dated 15-11-2012, the Government of Jammu and Kashmir hereby appoint Principal Secretary to Government, Home Department as an authority for the purpose of sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967 in respect of offences falling under Chapter IV and VI of the said Act.

By order of the Government of Jammu and Kashmir.

(Sd.) R. K GOYAL, IAS,

Principal Secretary to Government.  
Home Department.

EXTRAORDINARY

REGD. NO. JK—33

**PART I—B**

**Jammu and Kashmir Government—Notifications.**

—————  
GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT—HOME DEPARTMENT

Notification

Srinagar, the 31st July, 2015.

SRO-247.—In exercise of the powers conferred by sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967 and in supersession of Notification SRO No. 375 dated 15-11-2012, the Government of Jammu and Kashmir hereby appoint Special Secretary to Government, Home Department dealing with the Prosecution Section as an authority for the purpose of sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967 in respect of offences falling under Chapter III of the said Act.

By order of the Government of Jammu and Kashmir.

(Sd.) R. K GOYAL, IAS,

Principal Secretary to Government.  
Home Department.

**PART I—B**

**Jammu and Kashmir Government—Notifications.**

GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE AND  
PARLIAMENTARY AFFAIRS

(Power Section)

Notification

Srinagar, the 3rd August, 2015.

SRO-250.—In exercise of powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, Samvat 1989, the Government hereby appoint following officers to be the Executive Magistrates of the First Class who shall exercise all the powers of an Executive Magistrate of the First Class within their respective territorial jurisdictions of District Leh :—

S. No.	Name of the Officer	Designation and place of posting
	S/Shri	
1.	Abdul Rahim	I/c Naib-Tehsildar, Leh
2.	Mushtaq Ahmad	I/c Naib-Tehsildar, Gia
3.	Attaullah Khan	I/c Naib-Tehsildar, Kharu
4.	Tashi Jorgais	I/c Naib-Tehsildar, Khato

By order of the Government of Jammu and Kashmir.

(Sd.) MOHAMMAD ASHRAF MIR,

Secretary to Government,  
Department of Law, Justice and  
Parliamentary Affairs.



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JAMMU & KASHMIR GOVERNMENT GAZETTE**

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**PART I—B**

**Jammu and Kashmir Government—Notifications.**

GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT—FINANCE DEPARTMENT

Notification

Srinagar, the 3rd August, 2015.

SRO-251.—In exercise of the powers conferred by section 5 of the Jammu and Kashmir Levy of Toll Act, Samvat 1995 (Act No. VIII of 1995), the Government hereby exempt from payment of toll, leviable under the said Act, the live chicken, to be imported into the State, for the purpose of setting up of Poultry Processing Units in the State provided that—

- (i) the quantity as per the scale shall be determined by the Director, Industries, Jammu/Kashmir as the case may be ;

- (ii) the entrepreneur will obtain before hand a certificate from Director, Industries concerned that the live chicken with specified quantity is being imported for the purpose for which exemption is being granted ;
- (iii) the registered poultry processing units of the State shall be open/functional (from time to time) for the purpose of inspection of its records ;
- (iv) the Director, Industries, Jammu/Kashmir will be the authority to inspect the registered poultry processing units and submit periodical inspection reports with regard to actual functioning of these units to the Excise Commissioner, J&K, to ensure that the purpose of exemption is being served ;
- (v) in case any of the registered poultry processing unit is found guilty of misusing the said exemption, such unit shall be liable to deposit the amount for which exemption of toll availed by it during that particular Financial Year as determined by the Assessing Officer of the Excise Department.

This notification shall come into force from the date of its issuance.

By order of the Government of Jammu and Kashmir.

(Sd.) NAVIN K. CHOUDHARY, IAS,  
Commissioner/Secretary to Government,  
Finance Department.



**THE  
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**PART I—B**

**Jammu and Kashmir Government—Notifications.**

GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT—DEPARTMENT OF FOREST,  
ENVIRONMENT AND ECOLOGY

Notification

Srinagar, the 4th August, 2015.

SRO-252.—In exercise of the powers conferred by sub-section (1) of section 4 of the Jammu and Kashmir State Forest Corporation Act, 1978 (Act No. XII of 1978) and in supersession of Notification SRO-274 dated 24th August, 2012, the Government hereby appoint the following as Chairman, Vice-Chairman and Members/Directors of the Jammu and



Kashmir State Forest Corporation constituted under Notification SRO-361 dated 01-07-1979 :—

- |    |   |                          |
|----|---|--------------------------|
| 1. | Minister for Forests, Environment and Ecology                 | Ex-officio Chairman      |
| 2. | Minister of State for Forests, Environment and Ecology        | Ex-officio Vice-Chairman |
| 3. | Shri Dina Nath Bhagat, Hon'ble Member Legislative Assembly    | Director                 |
| 4. | Shri Yasir Reshi, Hon'ble Member Legislative Council          | Director                 |
| 5. | Administrative Secretary, Planning and Development Department | Director                 |
| 6. | Administrative Secretary, Forest Department                   | Director                 |
| 7. | Administrative Secretary, Finance Department                  | Director                 |
| 8. | Principal Chief Conservator of Forests, J&K                   | Director                 |
| 9. | Managing Director, J&K State Forest Corporation               | Director                 |

By order of the Government of Jammu and Kashmir.

(Sd.) RAKESH K. GUPTA, IAS,

Principal Secretary to Government,  
Department of Forest, Environment and Ecology.

EXTRAORDINARY

REGD. NO. JK—33

**PART I—B**

**Jammu and Kashmir Government—Notifications.**

—————  
GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE AND  
PARLIAMENTARY AFFAIRS  
(Judicial Administration Section)

Notification

Srinagar, the 4th of August, 2015.

SRO-253.—In exercise of the powers conferred by section 6 read with section 7 of the Jammu and Kashmir Criminal Law (Amendment) Act, 1958 (Act No. III of 1958) and in supersession of Notification SRO-28 dated 27-01-2015, the Government hereby appoint Shri Vinod Chaterji Koul, District Judge as Special Judge, Anti-Corruption for trial of CBI cases at Jammu.

By order of the Government of Jammu and Kashmir.

(Sd.) MOHAMMAD ASHRAF MIR,

Secretary to Government,  
Department of Law, Justice and  
Parliamentary Affairs.

EXTRAORDINARY

REGD. NO. JK—33

**PART I—B**

**Jammu and Kashmir Government—Notifications.**

—————  
GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE AND  
PARLIAMENTARY AFFAIRS  
(Judicial Administration Section)

Notification

Srinagar, the 4th of August, 2015.

SRO-254.—In exercise of the powers conferred by section 6 read with section 7 of the Jammu and Kashmir Criminal Law (Amendment) Act, 1958 (Act No. III of 1958), the Government hereby appoint Shri Shujat Ali Khan, District Judge as Special Judge, Anti-Corruption for trial of CBI cases at Srinagar.

By order of the Government of Jammu and Kashmir.

(Sd.) MOHAMMAD ASHRAF MIR,

Secretary to Government,  
Department of Law, Justice and  
Parliamentary Affairs.

EXTRAORDINARY

REGD. NO. JK—33

**PART I—B**

**Jammu and Kashmir Government—Notifications.**

---

GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE AND  
PARLIAMENTARY AFFAIRS  
(Judicial Administration Section)

Notification

Srinagar, the 4th of August, 2015.

SRO-255.—In exercise of the powers conferred by section 23 of Prevention of Terrorism Act, 2002 and section 9 (4) of the Terrorist and Disruptive Activities (Prevention) Act, 1987 and in supersession of Notification SRO-59 of 2014 dated 11th March, 2014, the Government hereby directs that Shri Sanjeev Kumar Bhagat, Member Higher Judicial Service shall function as Special Judge, Designated Court, POTA/TADA for Kashmir Division for the purpose of the said Acts.

By order of the Government of Jammu and Kashmir.

(Sd.) MOHAMMAD ASHRAF MIR,

Secretary to Government,  
Department of Law, Justice and  
Parliamentary Affairs.

EXTRAORDINARY

REGD. NO. JK—33

**PART I—B**

**Jammu and Kashmir Government—Notifications.**

GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE AND  
PARLIAMENTARY AFFAIRS  
(Judicial Administration Section)

Notification

Srinagar, the 4th of August, 2015.

SRO-256.—In exercise of the powers conferred by section 6 read with section 7 of the Jammu and Kashmir Criminal Law Amendment Act, 1958 (Act No. III of 1958) and in partial modification of Notification SRO-416 dated 17-10-2014, the Government hereby appoint Shri Kishore Kumar, District Judges as Special Judge, Anti-Corruption, Jammu for trial of offences specified in clause (a), (b) and (c) of sub-section (1) of section 6 of the said Act.

By order of the Government of Jammu and Kashmir.

(Sd.) MOHAMMAD ASHRAF MIR,

Secretary to Government,  
Department of Law, Justice and  
Parliamentary Affairs.



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JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 128] Srinagar, Tue., the 4th Aug., 2015/13th Srav., 1937. [No. 18-o

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**PART I—B**

**Jammu and Kashmir Government—Notifications.**

GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE AND  
PARLIAMENTARY AFFAIRS  
(Judicial Administration Section)

Notification

Srinagar, the 4th of August, 2015.

SRO-257.—In exercise of the powers conferred by section 6 read with section 7 of the Jammu and Kashmir Criminal Law Amendment Act, 1958 (Act No. III of 1958) and in partial modification of Notification SRO-475 dated 31-10-2014, the Government hereby appoint the following Judicial Officers as Special Judges, Anti-Corruption for trial of offences

specified in clause (a), (b) and (c ) of sub-section (1) of section 6 of the said Act within the territorial jurisdictions as shown against each :—

S. No.	Name of the Judicial Officer	Place of posting
1.	S/Shri S. C. Kattal	Additional District and Sessions Judge, Kathua.
2.	Jatinder Singh Jamwal	1st Additional District and Sessions Judge, Baramulla.
3.	Rajeev Gupta	Additional District and Sessions Judge, Anantnag.
4.	Virender Singh Bahu	Additional District and Sessions Judge, Pulwama.
5.	Ms. Sonia Gupta	Additional District and Sessions Judge, Udhampur.
6.	Khalil Ahmad Choudhary	Additional District and Sessions Judge, Rajouri
7.	Haq Nawaz Zargar	Additional District and Sessions Judge, Doda.

By order of the Government of Jammu and Kashmir.

(Sd.) MOHAMMAD ASHRAF MIR,

Secretary to Government,  
Department of Law, Justice and  
Parliamentary Affairs.



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JAMMU & KASHMIR GOVERNMENT GAZETTE**

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**PART I—B**

**Jammu and Kashmir Government—Notifications.**

GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE AND  
PARLIAMENTARY AFFAIRS

(Power Section)

Notification

Srinagar, the 4th of August, 2015.

SRO-258.—In exercise of powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, Samvat 1989, the Government hereby appoint the following officers to be the Executive Magistrates of the First Class who shall exercise all the powers of an Executive Magistrate



of the First Class within their respective territorial jurisdiction of District Anantnag :—

S. No.	Name	Designation	Posting
1	2	3	4
	S/Shri		
1.	Zahid Gani	Tehsildar	HQA to D. C., Anantnag
2.	Mohammad Shafi	I/c Naib Tehsildar	Anantnag
3.	Sheikh Mohmmad Syed	I/c Naib Tehsildar	Dialgam
4.	Sheikh Zahoor Ahmad	I/c Naib Tehsildar	Hakura Badasgam
5.	Gh. Nabi Lone	I/c Naib Tehsildar	Achabal
6.	Jawaid Ahmad Hakeem	I/c Naib Tehsildar	Chiturgul
7.	Javid Ahmad Qadri	I/c Naib Tehsildar	Wandwagam
8.	Gh. Ahmad Itoo	I/A Naib Tehsildar	Kokarnag
9.	Gh. Nabi Bhat	I/c Naib Tehsildar	Sagam
10.	Gh. Nabi Lone	I/c Naib Tehsildar	Saidinara
11.	Manzoor Ahmad Chooda	I/c Naib Tehsildar	Verinag
12.	Bashir Ahmad Bhat	I/c Naib Tehsildar	Dooru
13.	Ab. Gani Bhat	I/c Naib Tehsildar	Qazigund
14.	Gull Mohammad Hajam	I/c Naib Tehsildar	Vessu

1	2	3	4
15.	Mohammad Maqbool Tantray	I/c Naib Tehsildar	Y. K. Pora
16.	Gh. Rasool Nengroo	I/c Naib Tehsildar	Bijbehara
17.	Irshad Ahmad Khanday	I/c Naib Tehsildar	K.G. Raina
18.	Gh. Qadir Haroo	I/c Naib Tehsildar	Kanalwan
19.	Manzoor Ahmad Qazi	I/c Naib Tehsildar	Kheram
20.	Nisar Ahmad Itoo	I/c Naib Tehsildar	Nanil
21.	Syed Fayaz Ahmad	I/A Naib Tehsildar	Mattan
22.	Mushtaq Ahmad Shah	I/c Naib Tehsildar	Rabirpora
23.	Mohammad Shafi Makhdoomi	I/c Naib Tehsildar	Pahalgam

By order of the Government of Jammu and Kashmir.

(Sd.) MOHAMMAD ASHRAF MIR,

Secretary to Government,  
Department of Law, Justice and  
Parliamentary Affairs.

EXTRAORDINARY

REGD. NO. JK—33



**THE  
JAMMU & KASHMIR GOVERNMENT GAZETTE**

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**PART II—B**

**Notifications, Notices and Orders by Heads of Departments.**

GOVERNMENT OF JAMMU AND KASHMIR,  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
SRINAGAR/JAMMU.

File No. 754/ITLC.

Date of Institution : 20-03-2013.

Date of Award : 26-06-2015.

S. Hakumat Singh S/o S. Bhagat Singh R/o 15, Karan Nagar, Jammu.

Petitioner

Versus

1. Jammu Tehsil Co-operative Marketing Society Ltd. through its  
Chairman, Parade Ground, Jammu.

2 The J&K Govt. Gazette, 13th Aug., 2015/22nd Srav., 1937. [No. 20-1

2. Manager, Jammu Co-operative Marketing Society Ltd., Parade Ground, Jammu.

Respondents.

Ld. Counsel for both parties present.

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#### AWARD

1. Briefly stated facts of the case are as that petitioner preferred instant application under section 33-C (2) of Industrial Disputes Act, 1947 computing the salary and back wages in terms of award dated 27-02-1992 and for payment of dues which are payable. Petitioner claim on the ground that he is a workman as defined under the Industrial Disputes Act, 1947 and was in the employment for more than 10 years with respondents. His services were terminated as retrenched vide order dated 11-07-1989. Resultantly an industrial dispute was raised by the petitioner, the reference was made to the Industrial Tribunal by J&K Government vide SRO No. 129 dated 27-03-1991. A claim of the petitioner is that retrenchment was in violation of sections 25 (F) and 25 (g) of the industrial dispute. Respondent have contested the case before Conciliation Officer but before the tribunal despite notice did not bothered to appear in the court. As such an *ex parte* was initiated and subsequently this tribunal passed an award in his favour on 27-02-1992. Court held that order of termination of services of the petitioner was invalid, unjust and in operative and petitioner was entitled to full back wages as he remained ideal throughout. Same award was also published in Government Gazette. Respondent moved an application for setting aside award before this tribunal and by this tribunal execution of the award was stayed by this tribunal vide its order dated 04-04-1994. Petitioner has challenged the same order before the Hon'ble High Court on the ground that tribunal/court has no jurisdiction to entertain the said application. The Hon'ble Single Judge vide its order dated 02-08-1994 dismissed the writ petition of petitioner. Therefore, he file a LPA in which the Hon'ble two Judges dissented the view and the

matter was referred to Hon'ble Third Judge who decided the case in favour of the petitioner. Respondents filed an appeal before Hon'ble Supreme Court of India which has been also later on dismissed. As such award passed by this tribunal has attained the finality. On 27-01-2003 petitioner attended the office of the respondent he also submitted an application along with the judgement passed by the Hon'ble High Court but petitioner was not allow to mark the attendance on the attendance register. Petitioner also requested the respondent to calculate and pay the arrear of the wages/ salary from the date of his termination. However, respondents are not taking any step for calculating the back wages. In these circumstances petitioner has no other legal remedies available except to approach this court by way of present petition under section 33C of the Act. This court vide its order dated 04-04-1994 whereby execution of award was stayed same was challenged in the writ petitioner which was finally allowed on 31-12-2003 as such the application is within time.

2. Respondent appeared and filed their objections stating in that application under section 33C of Industrial Dispute Act is not maintainable as the matter is being without jurisdiction. As the application for setting aside *ex parte* award has not been decided as yet the same is required to be adjudicated upon and decided first. There is no provision in the "Act" for execution of the award. As such application deserves to be dismissed. It is also submitted that case of the petitioner does not fall under the provision of I. D. Act because he has approached First Court of Registrar, Co-operative Society against the order of his termination. His appeal was dismissed there and subsequently revision against the appeal order also dismissed by J&K Special Tribunal, Jammu . Thereafter, he has wrongly invoked the jurisdiction of this tribunal and obtained the *ex parte* award. No conciliation proceeding has ever been taken in the matter. The dispute is fully covered under J&K Co-operative Society Act. Application for setting aside *ex parte* award is still pending disposal no order is so far passed in this application. Services of the petitioner are neither deemed to be continued nor entitled for any relief. So for application for the setting aside the *ex parte* proceeding under Order 9 rule 13 CPC. It has been held by the

Supreme Court that his tribunal has a jurisdiction and power to set aside the *ex parte* order even if the publication has been made in the Gazette. As such first of all court has to decide the *ex parte* application. Petitioner has no right whatsoever to join the institution. He has neither approached the respondent's office, nor made any effort or filed any application as alleged. It is also submitted award is neither maintainable nor it can be implemented through any provision under I. D. Act.

3. After completing the pleading both side following issues have struck off on the year 28-05-2003 :—

- (i) Whether this court has no jurisdiction to decide the present petition in the face of preliminary objection raised by the non-applications ? OPR.
- (ii) Whether the award passed by this court in file No. 556/ITLC of 1991 dated 26-04-1991 has become final and enforceable under law ? OPP
- (iii) Whether the non-applicants have not satisfied the award so far, if so, if to what effect ? OPP
- (iv) Whether the petitioner is entitled to arrears of wages, if so, how much ? OPP
- (v) Relief.

Issue No. 1 was declared as preliminary issue and on the same argument was heard and finally decided in favour of the petitioner. During the pendency only one PW Amarjeet Singh has been examined by the petitioner who has supported fully the version of the petitioner. No other evidence has come on record, as such file is fixed for argument.

4. I have thoughtfully considered the petition and argument of the both side and had a minute study of documents which are available on the file.

5. Ld. Counsel for respondent has argued that award has not been published in the Government Gazette within time and this tribunal cannot issue direction exercising the jurisdiction without referring the matter to the Government. This matter does fall under the domain of Registrar, Co-operative Society. As such award is not exhaustive. Moreover, there is no order of appointment of the petitioner on which basis the salary of the petitioner is to be computed. Petitioner at this stage can be considered to be on duty and deem to be on duty without work. Whereas, petitioner was terminated by the Registrar, Co-operative Society and the order was confirmed by the special tribunal which is binding on the respondents. Ld. Counsel has cited some case law as AIR 2000 SC 3734, AIR 1994 SCW 5000, AIR 1978-275. On the other hand Ld. Counsel for the petitioner has argued in the light of his petition and in rebuttal of the argument of the respondent stated that respondent had nowhere pleaded that petitioner was not an employee of the management. Petitioner has applied for salary statement but management has refused to provide them later on. Petitioner preferred application before this tribunal for direction to provide salary slip but unfortunately they did not act upon. As such he himself prepared salary as he was taking at the time of termination and annexed with the file which was duly signed and verified by him which is correct. So far order of Registrar is concerned is having no link hereunder the Industrial Disputes Act, 1947. This tribunal has only jurisdiction under section 33C of the Act to compute the salary and back wages in terms of award. Award has become final. So far the contention of Ld. Counsel for respondent that application for setting aside *ex parte* is still pending is completely having no substance because same has been challenged up to Supreme Court and decided there in his favour.

6. This is an application in terms of section 33C (2) of the Industrial Disputes Act, 1947 to compute the whole money due to the petitioner from the respondent in terms of award passed by this tribunal on 27-02-1992 and published in Government Gazette on 22-10-1992. As per petitioner he has been appointed as clerk in the year 1979 and terminated as retrenched on 11-07-1989. This tribunal passed in award in his favour in *ex parte* and same has been challenged by way of application for setting aside the *ex parte* award by the respondent, then petitioner challenged application,

same has been allowed by the Hon'ble High Court. Respondent challenged the same before the Supreme Court but did not succeed there. Hence, award has become final now. So the contention of Ld. Counsel of respondent that application for setting aside *ex parte* is still pending is having no force at all, section 33C (2) provide as—

“Where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount of money due or as to the amount at which such benefit should be computed, then the question may, subject to any rules that may be made under this Act, be decided by such Labour Court as may be specified in this behalf by the appropriate Government (Within a period not exceeding three months).

7. Ld. Counsel for respondent has raised an other plea that Registrar, Co-operative Society dismissed the appeal against the termination of the petitioner. So he is not entitled for any relief under section 33C of the I. D. Act. But under section 33C (2) this court has only to see workman is entitled to receive from the employer any benefit which is capable being computed in terms of money and amount at which benefits should be computed. When the award is already passed and attained the finality, here we have to strict ourselves only to compute what amount of money is entitled in terms of award. So this tribunal at this stage cannot adjudicate upon the award. Hence, the argument of the respondent is not tenable. So far the law authorities presented by the Ld. Counsel for respondent are having no bearing on this matter.

8. Petitioner during the pendency have applied to the court for directing the respondent to place on record of the salary statement of the petitioner but respondents have not file any objection to the application neither they have adduced any evidence which show that petitioner was not a employee (clerk) of the organization. Petitioner has submitted salary statement prepared by him as he was taking at the time of termination. Even during the argument Ld. Counsel for respondent has not disputed anything about the salary statement submitted by the petitioner. As such there is no dispute with regard to salary slip prepared and given by the petitioner.



9. As per petitioner he has joined the Co-operative Marketing Society in the year 1979 but terminated after 10 years on 11-07-1989. He was working as clerk and getting the salary of Rs. 1883/- per month. So here we have to consider for computing the salary on this base only. He has been terminated in the month of July so he is entitled from August, 1989 to till his age of superannuation at the age of 58 February, 2011 as per his record about the date of birth submitted by him. But pay/salary has been revised by the respondents from the year 2006. So first of all we will compute his salary uptill December, 2005 along with the bonus as admissible under rules. There is no dispute raised by the respondent with regard to salary statement submitted by the petitioner. Salary from August, 1989 to December, 2005 came to the amount of Rs. 12,39,211/- whereas bonus amount Rs. 94,433/- and leave salary Rs. 89,472/- in total. After the pay revision as per salary statement submitted by the petitioner, salary came to an amount of Rs. 13,23,650/- whereas bonus came to Rs. 1,27,014/- and leave salary of Rs. 79,450/- because petitioner reached to the superannuation age in the month of February, 2011. Petitioner is entitled for gratuity at the time of retirement so gratuity amount is also added in total amount of Rs. 4,76,700/- it becomes total amount of Rs. 34,29,930/- which is payable to the petitioner by the respondent. As such the respondent is hereby directed to pay above-mentioned amount within three month from today failing which petitioner shall also be entitled to interest on the awarded amount @ 9% per annum till final realization of the wages. A copy of the award be sent to the appropriate Government for necessary action under law. File shall consign to record after its due completion.

Announced :

26-06-2015.

(Sd.) ZUBAIR AHMAD RAZA,

District and Sessions Judge

(Presiding Officer),

Industrial Tribunal-cum-Labour Court,

J&K, Jammu.

EXTRAORDINARY

REGD. NO. JK—33



**THE  
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 128] Srinagar, Thu., the 13th Aug., 2015/22nd Srav., 1937. [No. 20-2

Separate paging is given to this part in order that it may be filed as a  
separate compilation.

**PART II—B**

**Notifications, Notices and Orders by Heads of Departments.**

GOVERNMENT OF JAMMU AND KASHMIR,  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
SRINAGAR/JAMMU.

File No. 135/ITLC.

Date of Institution : 11-12-2009.

Date of Award : 24-06-2015

Shri Vijay Kumar, Attendant N. O.

Petitioner

Versus

Director Administration M/s. Acharya Shri Chander College of Medical  
Sciences and Hospital, N. H. Bye-Pass, Sidhra, Jammu.

Respondents

AR for both sides present.

AWARD

1. Section 10 of the Industrial Disputes Act (herein referred to as 'Act') envisages whereas the appropriate Government is of the opinion that any industrial dispute exists or is apprehended, it may at any time in writing refer the dispute or any matter appearing to be connected with are relevant to the dispute to the Industrial Tribunal or the Labour Court for adjudication.

2. The authority identified by the State Government under the Act while having sufficient compliance with the provisions of the Act has made a reference to the Tribunal Court vide SRO No. 69 dated 25th March, 2009 for adjudication and passing an appropriate award. The reference has been made by the Government broadly and pointedly after having regard in the appreciation of the reports submitted by the Conciliation Officer observed that the Government is of the opinion that an industrial dispute exists between the Vijay Kumar V/s. Acharya Shri Chander College of Medical Sciences and Hospital, N. H. Bye-Pass, Sidhra, Jammu. So in exercise of power confer by clause (c) of sub-section (1) of section 10 of the Act, Government referred this dispute for adjudication on the following issues :—

(a) Whether the termination of services of Vijay Kumar is legally justified ?

(b) If not, what relief is entitled to ?

3. Fundamentally and primarily reference which made by the authority to this tribunal is based on report submitted by the Conciliation Officer.

4. On receiving reference from the Government this tribunal has issued the notices to both sides for filing the statement of facts and objections from other side. Petitioner appeared and submits his claim through his AR alleging in that petitioner was employed on the post of Attendant/N. O. The petitioner remained in continuous service for about six years and acquired

the status of permanent employee. Petitioner requested Matron for leave of one day to adjust the day of leave to make arrangement of Mundan Ceremony of his son fixed on 05-12-2007 and she agreed but suddenly his brothers-in-law expired and rush to attend the sorrowful happening and he could not attend his duty from 1-12-2007 to 04-12-2007. He reported back on 05-12-2007 but he was not allowed to mark the attendance by the Matron. With the plea that case has been referred to Director Personal. But he went to the establishment daily up to 10-12-2007. Director Administration issued a show cause notice to him for unauthorized absence same has been replied by him and requested to allow him to resume the duty. But the respondent passed termination of service order on 15-12-2007. Respondent terminated the petitioner from the service illegally which is against the law. Respondent has used his colorable powers which are unfair labour practice. No enquiry has been held which is against the principal of natural justice. He has been victimized because he is an active member of trade union. Petitioner services cannot be terminated without any disciplinary proceeding if there was any misconduct against the workman. Termination without holding enquiry is illegal. Before termination on the ground of absence from duty a domestic enquiry should be conducted by framing the charges and specific finding by the enquiry officer in accordance with law. But no charge-sheet has been issued, no enquiry has been held so termination is bad against the principal of natural justice. Respondent did not follow the requirements of under section 25F of the Act. Petitioner being a workman as defined under section 2 (s) of the Act is legally entitled to the protection under the Act. Respondent cannot terminate the services of the petitioner under section 33 of the "Act" as the case of ASCOM Employees Welfare Association, Jammu is pending before the industrial tribunal for adjudication and condition of service of the petitioner will be unchanged during the pendency of the proceedings. Respondent should take permission before terminating the service of the petitioner. No such approval has been taken from the court. As such the termination of the petitioner from the service for unauthorized absent without holding enquiry is in violation of the provision of law.

5. Respondent has also filed objections to the claim of the petitioner alleging in that petitioner at the time of seeking employment was also made

aware of the job requirement and appointed on *ad hoc* basis for 89 days in the year 2002 but term of employment was extended from time to time. But unfortunate petitioner could not keep his promise and started absenting from the duties. He was time again warned verbally to perform the duties with due dedication and punctuality but he had been habitual of committing misconduct by remaining absent from his duty without seeking any permission from his superior. Warning was issued in writing again and again and finally he remained absent from 01-12-2004 to 04-12-2004 as reported by the Matron and on the basis of said report a show cause notice was issued, in response to the said notice petitioner file a reply on 12-12-2007 that he had informed the Matron and also asked for adjustment of the day off. Management sought clarification from the Matron to ascertain the truth of reply filed by the petitioner. Who outrightly rebutted the plea of petitioner neither informed her nor asked for adjustment of the day off. As such the plea taken by the petitioner is not based on fact and could not be relied upon. In view of the adverse record of the petitioner and in reference to the fact that petitioner is habitual of committing misconduct. Management finally terminated the services of the petitioner on 15-12-2007 after taking due course of law. That the case of termination of services is in accordance with the stipulation contain in the contract of employment and as such is covered by section 2 (oo) (bb) thus making the order not one of retrenchment. Petitioner had been provided chance of hearing before termination. He has at no point of time acquired the status of permanent employee because he was appointed on *ad hoc* basis. Termination of service as a disciplinary action is excluded from the ambit of section 25F of the "Act". Provision of the section 33 of the Industrial Disputes Act have been wrongly taken use of the said provision provided shelter only to the cases which are subject matter of the said dispute.

6. The claim of the petitioner as reflected in the conciliation proceeding and projected by the petitioner are as that petitioner was an employee of the respondent and he seeks a leave on account of organizing Mundan Ceremony of his son which is fixed on 5-12-2007 but untimely his brother-in-law expired so he could not attend the duty from 1-12-2007 to 04-12-2007 and reported back duty on 05-12-2007 but he was not allow to mark the attendance. Respondent issued him a show cause notice and he

replied the same on 12-12-2007 in which he has explain reason of his absence in detail. As per him he approach to Matron for leave with plea that kindly allow him to adjust day off, she told him to, inform Shri Babu Malik Ji. He will arrange substitute and Babu Malik agreed before the Matron. But when he came out from the office of Matron, he refused and again brought into the notice of Matron about this matter. His absence was not deliberate but due to bad and compelled circumstances. Management has sought the explanation from the Matron with regard to his reply but she has totally denied the petitioner claims. So finally he has been terminated from the services on 15-12-2007. Respondent claims that petitioner is not a workman under the Act.

7. To prove the case of parties, they have been directed to lead their evidence. Petitioner has examined P. W. Bushan Kumar and Vijay Kumar petitioner only. Whereas respondent has examined R. W. Miss Satinder Verma and Vinod Kumar Suri. It is profitable to give brief resume of the statement of the witnesses.

8. Petitioner Vijay Kumar has filed his affidavit as witness in which he has stated that he remained in-service for six years continuously and his last salary was Rs. 2760/- at the time of termination. He requested Matron Satinder Verma that he may please be allow to five days leave as there was a Mundan Ceremony of his son she agreed and asked him to meet Babu Malik who will make the arrangement of substitute and submitted application in writing. All of sudden he got information that his brother-in-law was expired and he has to go thereunder compelled circumstances and petitioner came back on duty on 05-12-2007. Matron asked him that he cannot perform the duty nor he can mark the attendance. Director Administration issued a show cause notice on 10-12-2007 same has been replied by him on 12-12-2007 but lastly on 15-12-2007 his service was terminated w. e. f. 01-12-2007. The respondent did not hold any inquiry nor has any opportunity given to him before termination. On cross-examination he has stated that he was appointed on *ad hoc* basis in the hospital as nursing orderly. He was drawing salary of Rs. 2760/- per month. So many

other employee of the hospital used to go with him of his locality. He knows Manoj Kumar, Dheeraj Kumar and Jeet Kumari. They are also residing in his locality. He was never absent from duty without permission whenever he has to go on leave he submit the application. This is incorrect that without permission if anybody went on leave it come under misconduct. No uniform was issued to him. There was a Mundan Ceremony of his son so he has got the leave from the hospital up to 05-12-2007 and he fill up leave form and handover to Matron. Matron has asked him to inform the Babu who will make the alternate arrangement. He went to the Babu and who sanctioned his leave. This is not correct that he has not informed the Matron neither any inquiry was conducted. This is not correct that he remains absent in January for four days. In March for three days, in April eight days and in May, 2007 one day, as enquired.

9. P. W. Bushan Kumar has also file his statement on in affidavit, stating in that he is in-service in the ASCOM Hospital from 27-09-1999 as Dental Technician and presently working in the hospital. Employees have formed a Union as ASCOM Welfare Employees Association which is registered. He is a General Secretary of the Union. Union raised a dispute of employees demands in the year 2005 and Government has referred the matter to industrial tribunal. Same is subjudice hear in court. He knows Vijay Kumar as he also worked in Dental Section. His service has been terminated on 01-12-2007. He met me and inform that he has been terminated without conducting any inquiry. No notice pay has been paid nor has retrenchment compensation been paid to the petitioner. Petitioner is unemployed from the date of termination. He tried his best to get the employment but could not succeed. On cross-examination stated that, he knows the petitioner from the year 2002. Petitioner has worked from 2002 to 2007 and performs his duty effectively. This is not correct that if nursing orderly remains absent emergency will be closed. Because there was a substitute employee who can performs the duty in his place. If substitute is not available then hospital work will be effectively. He has no knowledge whether petitioner remain absent some time and as per service rule unauthorized absent comes under misconduct or not. He has no knowledge whether any warning have been issued to the petitioner earlier or not.

10. This is the petitioner evidence which has been recorded during the proceedings now it is the term of respondent evidence.

11. Ms. Satinder Verma stated on affidavit that petitioner is habitual committing misconduct by remaining absent from duty without seeking any permission. Copy of the order dated 21-06-2000 which show that petitioner remain absent unauthorized from the service. He was again remain absent from 01-12-2007. He is also habitual of leveling false allegation on seniors instead of admitting the guilt. He leveled a false and concocted allegation that he sought permission from her. Thorough enquiry was conducted to ascertain the fact. She has submitted in her reply that there is no iota of truth that he sought permission from her. Fact is that petitioner had neither informed her about the leave nor he asked for the adjustment of day off on 15-12-2007 so his statement is baseless. On cross-examination she deposed that the petitioner was an employee of ASCOM but she did not remember the date of his employment and when he was terminated. Petitioner was habitual absentee. Explanation in this regard was issued by her but she cannot disclose the dates of the explanation given to the petitioner. Petitioner had not gone on leave after permission on 01-12-2007. Absent note of the petitioner was sent to the administrative office but date is not known to her. She has signed the reply to the Director Administration on 13-12-2007. Show cause of notice of absent was issued by the management on 10-12-2007 and reply by the petitioner on 12-12-2007. Petitioner was terminated on 15-12-2007. She did not know about the charge-sheet enquiry conducted before the termination of the petitioner. She doesn't know formation of union in the hospital.

12. Vinod Kumar Suri stated on affidavit that petitioner was appointed as attendant/nursing orderly on *ad hoc* basis in the year 2002. As per record petitioner was habitual offender and had a chronic problem of remain absent from the duty. Petitioner was warned on several occasion to mend his ways but he was in habit of committing misconduct of remaining absent from duty. Petitioner was also warned and last opportunity was given on 21-06-2006. Petitioner was also warned on 10-12-2007 regarding unauthorized absent from duty w. e. f. 01-12-2007 without any intimation. In spite of finally warning again management took the lenient view and



show cause notice served upon him. That in one of the enquiry conducted by the management it was found that he is found of levelling false allegation against the senior officers. In reply to show cause notice he has taken plea that he got the permission from the Matron for day adjustment of day off on 05-12-2007 for justified his contention. On the basis of said allegation management fairly conducted an inquiry and found guilty. On cross-examination he has stated that Vijay Kumar was working in the hospital from 2002 as attendant and in 2007 he was terminated from the service because he was unauthorized absent. We have issued a show cause notice and he replied the same in which he stated that he has informed the Matron, but Matron has denied his version. After that no inquiry was conducted. When he was absent he got the information by the Director Administration. He has knowledge that one matter is pending before this tribunal no permission for termination of the petitioner taken from this tribunal. No notice was issued to the petitioner neither any retrenchment compensation was given to him.

13. I have thoughtfully considered the argument advanced by the representative of the parties and had minute study and appreciation of the evidence both oral as well as documentary available on case file.

14. This court has to return the findings within circumscribed limits of the term of reference identified by the competent authority appointed by the Government and we are not supposed and expected to travel beyond the term set up for adjudication what is required to be settled precisely is to be finding out legality or otherwise action of respondent management in this case. Termination of services of respondent is legally valid or not. In case where the action as taken up by respondent in terminating the services of the petitioner is held illegal, assuming for the sake of argument then it is to be seen what appropriate relief can be given to the petitioner on account of such illegal action.

15. Briefly, petitioner was employee of the hospital which definitely covered under section 2 (j) of Industrial Disputes Act and parties have not disputed on this point. Through AR for respondent relies on a judgement of Apex Court titled Bangalore Water Supply and Dewage Board V/s.

Rajappa but on complete reading of the judgement its ratio of decision is not correct, which shows that clubs educational institution, co-operative research institutes, charitable project and other kindred adventures, if they fulfil the triple test of systematic activity, cooperation between employer and employee and production of goods and services, then they cannot be exempted from the scope of section 2 (j) of the Act. In support of my contention I laid my hand on an authority of Punjab and Haryana High Court LLR 1997 page 476 as it has been held. Declaring the hospital not to be an industry has not been accepted till today the judicial pronouncements and thus the finding of the tribunal that the respondent hospital is not an industry cannot be sustained. So contention of AR for respondent is not tenable that hospital/educational institute do not cover under the definition of industry.

16. Claim of the petitioner is that he has been terminated without conducting a domestic inquiry and without providing a proper chance of hearing which is his right. Before an employee can be held guilty of absent from duty, a proper domestic inquiry should have been conducted. But in this case even the R.W. Vinod Kumar Suri admitted in his deposition that no domestic inquiry was conducted. Though show cause notice was issued to the petitioner who has replied the same but no inquiry officer has been appointed neither any charge-sheet was given to the petitioner. But R. W. Vinod Suri also stated in his affidavit as witness. Petitioner was warned on 10-12-2007 regarding unauthorized absent from duty w. e. f. 01-12-2007. Record shows that on 10-12-2007 a show cause notice was issued by the Professor, J. R. Rathore, Director Administration to the petitioner and same authority has issued the termination order on 15-12-2007. In the termination order there is nothing mentioned about a domestic inquiry. There is nothing mentioned about appointment of any inquiry officer. So it is clear from documentary as well as oral evidence on record that no inquiry has been conducted before termination of the petitioner. As it has been held by the Hon'ble Supreme Court in the year 1996 LLR 289 relevant para 11 :—

“ Before an employee can be held to be guilty of willful absence from duty a proper domestic inquiry should be conducted by the department by issuing show cause notice and by framing charge-sheet and specific finding should be recorded by the enquiry officer

after following due procedure for conduction domestic inquiry in accordance with law which admittedly has not been done in this case. Hence, the respondents are solely responsible for their own lapse and for which the petitioner cannot be blamed.”

17. A. R. for respondent stressed on a point that petitioner was a habitual absentee as such it amounts to a misconduct so punishment of dismissal not disproportionate because he remained absent so many time in past also and petitioner was appointed on *ad hoc* basis in the year 2002 and his services was not permanent. As such he is not entitled for the status of workman. On this point he has cited a case law of Gujarat High Court decided in the year 2014 about the termination of a contractual employee. But same judgment is not applicable in the instant case because petitioner was not a contractual employee of the respondent.

18. No doubt petitioner was appointed in the hospital management in the year 2002 on *ad hoc* basis for 89 days but his services has been extended from time to time. He has completed 240 days in a calendar year as per record also. So he attains the status of workman under “Act”. Hence, he cannot terminate on the analogy of contractual employee, He cannot be terminated for any misconduct without conducting a regular inquiry. Termination of service is punitive and termination may be on the basis of preliminary inquiry without regular inquiry is not sustainable. In support of my contention I have laid my hand on an authority of Supreme Court LLR 2000 page 577 relevant para 5 and 6 :—

“The reasoning of the tribunal is fallacious. If an order had been passed by way of punishment and was punitive in nature, it was the duty of the respondents to hold a regular departmental enquiry and they could not have terminated the services of the appellant arbitrarily by paying him the retrenchments compensation. The observation of the tribunal that the respondents had a choice other to hold a regular departmental enquiry or to terminate the service by payment of retrenchment compensation is wholly incorrect.

The appellant, no doubt, was a casual labour out as observed by the tribunal he had acquired temporary status with effect from 01-10-1989. Once an employee attains the temporary status, he becomes entitled to certain benefits one of which is that he become entitled to the constitutional protection envisaged by Article 311 of the Constitution and other articles dealing with services under the Union of India. A perusal of the impugned order by which the services of the appellant had been taken over by Mahender Singh with iron rod and had also bitten him with teeth on 20-04-1992 at 8.00 P. M. while the said Mahender Singh was on duty as Gateman, Tax Bhawan, Agra, therefore, his services were terminated with immediate effect. Thus, the services were terminated on account of the allegation of assault made against the appellant. Court granted time to respondent counsel to place the record of inquiry if any, later on Ld. Counsel for the respondent placed some record which shows a preliminary inquiry was held. On the basis of which petitioner's services were terminated without issuing a charge-sheet or giving an opportunity of hearing to the appellant cannot be sustained."

19. In view of the above judgment of the Apex Court it is clear that a workman cannot be terminated for misconduct of remaining absent from duty unauthorized. In the instant case it is clear that no regular domestic inquiry was conducted by the management prior to termination. As such termination of the service of the Vijay Kumar (Petitioner) is legally not justified. Termination is void *ab initio*. As such termination order passed by the respondent is set aside.

20. So far as back wages in question is concerned, I realized that admittedly as come in their evidence that he remains unemployed during the pendency of the case. It is well settled and it is necessary to consider the facts and circumstances of the each case before granting back wages. In the instant case respondent has not adduced any evidence which shows that during the pendency of the petition petitioner was engaged somewhere else. So it is assumed that petitioner remained unemployed during the period of pendency as such he is entitled for back wages up to his reinstatement.

21. For the reason stated above, this tribunal has come to the conclusion that petitioner has been terminated illegally without adopting due course of law. As such his termination is hereby quashed with the direction to the respondent, petitioner shall be put back on duty on the post which he held on 01-12-2007 and shall be paid all the arrears (back wages) up-to-date and other consequential benefits admissible under rule.

Accordingly an award is passed in favour of the petitioner and against the respondent management. Copy of the award be sent to the Government of J&K through its Commissioner/Secretary, Labour Department for information and for publication in the Government Gazette. File shall consign to record after its due completion.

Announced :

24-06-2015.

(Sd.) ZUBAIR AHMAD RAZA,  
District and Sessions Judge  
(Presiding Officer),  
Industrial Tribunal-cum-Labour Court,  
J&K, Jammu.

EXTRAORDINARY

REGD. NO. JK—33



**THE**  
**JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 128] Srinagar, Thu., the 13th Aug., 2015/22nd Srav., 1937. [No. 20-3

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separate compilation.

**PART II—B**

**Notifications, Notices and Orders by Heads of Departments.**

GOVERNMENT OF JAMMU AND KASHMIR,  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
SRINAGAR/JAMMU.

File No. 94/ITLC.

Date of Institution : 18-02-2008.

Date of Award : 25-06-2015.

Workers Union.

Petitioner.

Versus

Tawi Arms Gun Manufacturer.

Respondent.

AR for petitioner present.

Respondent in person present.

### AWARD

1. Section 10 of the Industrial Disputes Act (herein referred to as 'Act') envisages whereas the appropriate Government is of the opinion that an industrial dispute exists or is apprehended, it may at any time in writing refer the dispute or any matter appearing to be connected with are relevant to the dispute to the Industrial Tribunal or the Labour Court for adjudication.

2. The authority identified by the State Government under the Act while having sufficient compliance with the provisions of the Act has made a reference to the Tribunal Court vide SRO No. 224 dated 22nd June, 2007 for adjudication and passing an appropriate award. The reference has made the Government broadly and pointedly after having regard in the appreciation of the reports submitted by the Conciliation Officer observed that the Government is of the opinion that an industrial dispute exists between the Krishan Lal V/s. Tawi Arms Gun Manufacturer. In view of the dispute Government thought it desirable to refer the dispute to the Labour Court and resultantly and exercise of power confer by the clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947. The Government referred the dispute to this court which is constituted under Notification SRO-767 dated 31-10-1972 for the adjudication in this reference the following points are to be adjudicated upon :—

1. Whether the management is legally right in refusing the demand of workman ?

2. If not to, what relief the workman are entitled.

3. Primarily the reference which is made by the authority identified by the Government of J&K State is based on the reports inclusive of the confidential reports thereof submitted by the Conciliation Officer.

4. Profitably as it may now to give flash back of some of the silent feature of the report initially submitted by the Conciliation Officer is as that

employees of Tawi Arms Gun Manufacturer were served a notice by the firm on 01-12-2003 for closure of the unit and no benefit has provided under law was given to them. So they approach the Conciliation Officer and Conciliation Officer served a notice to the respondent in response of said notice Respondent No. 1 namely Abdul Aziz Mallah submitted that there is a dispute between the partner of the firm and some litigation were going on in view of dispute of the management of factory is not able to settle the account of the workers at this stage. The factory has been closed due to seizure of the license along with bank account. In the confidential report also Conciliation Officer has also reported that petitioner have not been paid their due/benefits on the closure of the unit. Conciliation fails due to different attitude of the respondent. Though there is a dispute among the different respondents but on the other hand poor workers suffer a lot. To know the legality of the demand raise by petitioner, or refusal of the demand by the management on different grounds is to be determined by the industrial tribunal.

5. On receiving reference from the Government this tribunal has issued the notices to both parties. Both the parties abided by and complied with the process of the court and submitted their statement of facts and claims and the objections thereto respectively.

6. The petitioner submitted as that applicants workers claim is for specified amount of money due under section 25FFF of the Industrial Disputes Act, 1947, as consequence of the notice dated 01-12-2003 issued by the employer. Any refusal on the basis of manufacturing license between the partners of the firm subjudice in OWP : 616/03 and others OWP can't be entertained ground for abiding the liability under Industrial Disputes Act, 1947 for the same is special legislation enacted for welfare and to check to exploitation of industrial labour. Applicants rely to section 2 (K).... . The applicants estimate the values of the relief sought at the sum of rupees 10,73,796/- with interest @ 18% for the due date.

7. Respondent have also objected the claims alleging in that no claim is maintainable against the management as the unit has been closed due to



with holding of permission by the District Magistrate, Jammu and Central Government for running the same as the parties for which the unit is being run is licensed one. If the license withheld management cannot run the factory. The labour claim of the workmen has been already received and replied accordingly. To further clarify the management stands submitted that the account, rendered by the worker are not as per the industrial law and totally wrong baseless and are not acceptable to the management. Worker have furnished their claim for the period for which they have not actually work and demanding the benefit which are not eligible and allowable because workers have been engaged full time workers and piece rated and part time worker. Because the entire gun manufacturer, manufacturing the gun according to the sanction/allotted quota by the Central Government arrears of the salary/wages w. e. f. 01-12-2002 to 28-12-2003 are not allowable to this piece rated workers. As there is no work done during the said period. Thus “No work no pay”. Notice pay claim is not correct because management has already given notice prior one month to all the worker on 01-12-2003 and the bonus, leave salary up to 31-12-2003 has been work out and paid. The appointment date of some worker is not correct as per record there are only six worker out of 25 on the factory acquittance role who have completes the requisite period of five years for payment of gratuity management has always honored labour laws under the Industrial Disputes Act. As such management never disputed nor refused to make the payment. As per management record is showing that an outstanding amount of Rs. 1,79,144/- is against the workers. Whereas the worker amount of Rs. 17,367/- is only lying with the management.

8. After completing the pleading of the parties it requires that in support of their claim parties were directed to lead their evidence to prove their contention. First petitioner was directed to lead the evidence and they have examined only two PW's namely Krishan Lal and Surjeet Singh on affidavit and duly cross-examined by other side. Brief resume of their statement are as under :—

9. P. W. 1, Krishan Lal stated that he had been working as regular worker in Tawi Gun Factory, Ashok Nagar, Satwari since 1980 and the owner of the factory lock out the factory without giving any statutory notice.

At that time the employer had made a verbal commitment with him that workers of the factory would remain lock out only for three months and after that period he assured that factory would be opened and subsequently and services would be regularized and paid back wages of three months. The employer also directed and suggested us not to do work anywhere else during these three months. The employers open the factory during March, 2003 but he neither paid back wages nor gave any benefit of regular service. There were 25 workmen working regular in the factory and there is no part time worker. The employer served the notice to all the workers in December, 2003 and again lock out the factory in January, 2004. Employer made a commitment that he would be paid all terminal dues as per labour laws and same statement submitted in the court but nothing has paid to him. The employer had not deposited provident fund for the period w. e. f. June, 2003 to December, 2003. In cross-examination stated that this is correct that he work in Tawi Gun Factory for 25 years. Though he is not remembering the year from which he start the job. This is also correct that after closing down the factory he has not join any other employment. This is also correct that in a Fun Factory a Government fixed a quota of guns to be manufactured in a year. Whereas Tawi Gun Factory's quota was fixed at 720 guns in a calendar year. This is also correct that they have manufactured the quota of guns in the month of November, 2002. This is not correct that when our work was over we left the factory and joins some other works as enquired. This is correct that in 2003 allotted quota of guns were completed in January, 2004 and whatsoever salary was due to us we have received. When there was no work in the factory we used to come in the factory and attend the job and go back. But we have not been paid for that period. This is correct that he is getting the remuneration of piece rated base and nobody is getting the monthly salary. This is correct that factory was closed in the month of November, 2003 and we were asked to come back after three months. Management has promised to pay for this three months period. But we have not been paid for this period. Owner of the factory has stated about three months salary to all workers in front of factory employee. He has not seen the lock on the factory. Worker used to come and go, factory never closed prior to 2004. When the allotted quota of guns was not completed up to December it may be extended and

we were paid @ of per piece. When there was no work we were not paid for the such period. I have been asked to come back to the factory for work but owners have never called be back.

10. P. W. 2, Surjeet Singh stated that he had been working as regular worker in Tawi Gun Factory since 1999 and the owner of the factory lock out the factory without giving statutory notice. At that time employer had made a verbal commitment with them that the factory would remain lock out only for three months and after that period he assured that the factory would be opened and subsequently their services would be regularized and paid back wages of three months. Employer has also suggested not to do work anywhere else during these months. Employer opened the factory in March, 2003 and he neither paid the back wages not gave any benefit of regular services. There were 25 workers working regulary in the factory there was no part time worker. Employer served the notice to all worker in December, 2003 and again closed the factory in January, 2004. The employer made a commitment that he would be paid all terminal dues but nothing has been paid so far. Further, he has not deposited his provident fund, from June, 2003 to December, 2003. In cross-examination stated that this is correct that he was working since 1999 and accepting the remuneration on piece rated base. From November, 2002 to March, 2003 factory has been remained closed but employer has asked to clear the account on reopening the factory but nothing has paid to us. He has not approached from November, 2002 to April, 2004 to any labour court for getting the salary from the factory. Though we have been assured that their account will be clear and this assurance was given by respondent Aziz Mallah. This is correct that about this assurance he has not written any thing in his affidavit. This is correct that Aziz Mallah have submitted a statement of account in Labour Commissioner Office in which he PW has admitted that he has received the salary for the year 2002-2003. This is also correct the quota of guns for the year 2002 has been completed in the month of November and this is also correct that quota of 2003 was completed in ten months. In received the remuneration for the 12 months. This is also correct that owners have not retrenched in the year of 2002 but in the year 2003 in the month of December they served a notice and then retrenchment. This is also correct all other benefits were given for the whole 12 months.

11. This is the evidence of petitioners and now it is turn off respondent evidence. Only one respondent Mr. Abdul Aziz Mallah appeared as witness.

12. R. W. Abdul Aziz Mallah has stated on affidavit that he is attorney holder of Mrs. Khursheed Bhagam who is one of the partners of the Tawi Gun Factory. That factory remain open in the year 2002, January to 31st January, 2004 and worker of the factory after completing the quota of 720 BL Guns for the year 2002, left the factory by the end of November, 2002 as usual but they did not turn off on First January to start the manufacturing of guns for the year 2003 but they joined in first week of March, 2003 and started the manufacturing of full sanctioned quota for the year 2003 and completed the same in January, 2004 as such work have taken their wages for the year 2002 and 2003. That all the gun manufacturer are manufacturing the guns according to the sanctioned quota by the Government of India, Ministry of Home Affairs, New Delhi and no one can manufacture more than allotted quota. The workers have manufactured 720 BL Gun in the year 2002 and 2003 and they have got full payment of work done, for the year 2002 and 2003. Management has engaged the labourer at full time piece rated regular worker and part time piece rated worker. Basically dispute was arisen between the partner during the 2002 and worker took the opportunity to file a fabricated claim. Meanwhile District Magistrate, Jammu decided the case on 20-06-2003 in which he stop the issuing TL and permission in favour of factory. After decision of District Magistrate, Jammu management was compelled to stop the functioning of the factory and this constrained management to issue one month prior notice to the worker same is issued on 01-12-2003 under law to close the manufacturing process of guns and factory remained open till January, 2004. Now verbal commitment was ever made by the management to the worker. But some of workers have admitted in their affidavit that the management has paid the wages proper. There are only six worker who are eligible for gratuity benefit who work for more than five years and rest of the workers are not entitled. Management's payment amounting to Rs. 1,79,144/- is also lying with the workers. That the deponent is not responsible for not depositing the C. P. Fund as it was only due to negligence of the Manager of the factory who is also a claimant.

13. On cross-examination R. W. has stated that he is Managing Director of the factory since 1977. All the workers are working as piece rated worker. Bonus was given to the worker as labour law. It is correct that a list of 25 workers along its joining and salary was furnished to the Labour Commissioner list as Annexure-C was not submitted by the factory. It is incorrect to say that the factory was closed from 01-12-2002 to 28-12-2003 and no payment was made to the workers in this period. As the workers have not executed any work. There is no agreement with the workers in this regard bonus was paid to the workers and provident fund also deducted as per the average of the bill of the wages of the workers. Provident fund was not deposited for three month when the workers did not perform any work. The entire wages paid to the workers at the time of the closer of the factory. If any liability or recoveries found be payable that will be paid accordingly.

14. In terms of evidence on record adduced by the petitioner comprise of two statement of petitioner namely Krishan Lal and Surjeet Singh. Both these two petitioners have almost supported of version of petition but in cross-examination they admitted that they are working at piece rated system. It may complete in the whole year from January to December or earlier as per allotted quota of guns and they have received the payment of year 2003 to January, 2004. They also admitted that they have received the salary for the notice period. Whereas respondent himself appeared in witness box and testified that all the workers were working as piece rated. Worker bonus was given to the workers as per the labour law. This is not correct that factory remain closed for 01-12-2003 to 28-12-2003. Provident fund was also deducted as per average bill of the workers the entire wages were paid to the workers at the time of the closure of the factory.

15. I have heard both side at length and also gone through the file minutely.

16 AR for the petitioner has argued that financial partner Mr. Abdul Aziz Mallah did not settle the dues of the 25 workers before the closer of

the factory on and after First January, 2004. Whereas under section 25F of the I. D. Act it is mandatory to pay the compensation on the closure of factory. It can be seen that management close the undertaking without discharging the claim of the worker and demand of the workmen as within the scope of mandatory provision of labour law. Application are lawfully made and are admissible further proves conclusively the workers case of earlier withholding of their wages along with provident pertaining to the period of December, 2002 to February, 2003. As such retrenchment of worker and closure of factory is void *ab initio* or nonest in the eyes of law. On the other hand AR for respondent argued that a dispute was arisen among the partner and District Magistrate, Jammu has withhold their license of manufacturing and transportation. So the management of the company was not able to run the factory. Therefore, management decided to close down the unit. There was an allotted quota of 720 BL Guns in a year in this factory. It is admitted that there are total strength of employees was 25 comprised of 5 administrative, 12 full time worker and part time worker and mode of payment of them is not a salary based but on piece rated. There is no balance salary for the year 2002 to 2003 and up to January, 2004. As per law management has issued a proper notice prior to closure the factory for which period workers have been already paid as petitioners in their statement has also admitted. Respondent have submitted the service record before the Conciliation Officer and as per record 1,79,144/- which is recoverable from the worker as the statement is annexed with the file. Other side has not rebutted about this fact they are silent for arrear of the factory towards them. Applicants have relied over the document pertaining to their joining and average salary in the factory is a forged document. As such it has no relevant under the Evidence Act.

17. This tribunal has to return the finding within circumscribe limit of the term of the reference identified by the competent authority appointed by Government and we are not supposed and expected to travel beyond the term set up for the adjudication. But is required to be settled precisely is to be finding out the management is legally right in refusing the demand of its workmen. If not to what relief workmen are entitled. Assuming for the

sake of argument then it is to be seen what appropriate relief given to petitioners on account of such illegal action.

18. Briefly petitioners were employee of the factory which definitely covered under section 2 (s) of the Industrial Disputes Act and parties have not disputed on this point. The grievances of the petitioners are as that gun factory has been closed without complying provision of section 25F of the I. D. Act. Their dues have not been paid before closure of the factory. Whereas management alleged that they have comply the provision of section 25F properly. As they have given one month earlier notice and also paid for notice period to the workers and clear all the back wages up to January, 2004. Though there is some outstanding balance toward the workers which is recoverable. Section 25FFF is hereby reproduced as under :—

“section 25FFF. Compensation to workmen in case of closing down of undertaking (1) where an undertaking is closed down for any reason whatsoever, every workman who has been in continuous service for not less than one year in that undertaking immediately before such closure shall subject to the provisions of sub-section (2), be entitled to notice and compensation in accordance with provisions of section 25F, as if the workman had been retrenched :

Provided that where the undertaking is closed down on account of unavoidable circumstances beyond the control of employer, the compensation to be paid to the workmen under clause (b) of section 25F, shall not exceed his average pay for three months.”

19. Whereas section 25F says that condition precedent to retrenchment of workmen—

“The Workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

- (a) No workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice ;



- (b) the workman has been paid at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months."

20. In the instant case a management of the Tawi Arms Gun Manufacturers has properly issued the notice before closure of the factory on 01-12-2003 same has been admitted by the petitioners in their deposition also. And they have been paid up to January, 2004. So the management has rightly comply the first condition of section 25F of I. D. Act. Other demands of the workers that they have not been paid compensation of retrenchment on the closure of the factory is concerned respondent claim that the workers of the factory is still under the liability of arrear of Rs. 1,79,144/- which is recoverable by respondent from the workers and petitioners are silent about this assertion made by him in counter claim. If any amount remains unpaid toward the management, respondent are ready to pay. Respondent are silent about the claim with regard to retrenchment compensation as claimed by the petitioners. Neither any evidence have come to controvert the claim of the petitioners with regard to gratuity, retirement benefit, leave salary balance and bonus for the year 2003. The provisions of section 25F are coached in mandatory form, and non-compliance therewith has the result of rendering the order of retrenchment void *ab initio*. Thought respondent is claiming on the liability of Rs. 1,79,144/- from the workers. But same is not clear whether this amount was given as wages in advance or for what purpose this amount was already paid. But if any amount was due to the workers management should have demanded from them separately. But management cannot withheld the benefits which was due to them at the time of retrenchment. So until unless all the benefits are not given to the workers it cannot be a proper retrenchment. So for the petitioners claim with regard to back wages when they have not worked has not been proved. And AR for the petitioner admitted that they have not work during alleged period. As such petitioners demands with regard to salary for the period which they have not worked is not acceptable and they have also received the payment of notice period. So other demands of the workers are legally right, management have wrongly refused to accept the legal demand. As



such the issue No. 1 is decided in favour of the peititoners/workers. They are entitled for compensation which shall be equivalent to 15 days average pay for every completed years of continuous service. Some workers who have completed the five years of the service in the establishment are also entitled for gratuity of 15 days salary for every completed years of service. All workers are also entitled for leave salary and bonus for the year 2003 which has not been paid at the time of retrenchment. Accordingly an award is passed in favour of the petitioners and against the respondent management. Reference is replied accordingly. Copy of the award be sent to the Government through its Commissioner/Secretary, Labour Department for information and publication in the Government Gazette. File shall consign to record after its due completion.

Announced :  
25-06-2015.

(Sd.) ZUBAIR AHMAD RAZA,  
District and Sessions Judge  
(Presiding Officer),  
Industrial Tribunal-cum-Labour Court,  
J&K, Jammu.